

MEMORANDUM

TO: All Employees

FROM: Marc D. Smith, Acting Director

I am pleased to provide this Employee Handbook for your reference in conducting your daily business as a DCFS employee. The purpose of the Handbook is to give you direction and information, and it should be used in conjunction with existing Rules and Procedures, Administrative Directives, and negotiated agreements.

Every employee must read and become familiar with the material presented in this Handbook, as you will be accountable for this information as it relates to your employment with the Department. New and/or updated information or policy will be distributed to you as it is approved, and you will be responsible for keeping your Handbook current.

I want to thank you for your commitment and to ask for your renewed support and hard work in providing the best possible care for children and families in need of our assistance.

PREFACE

This Handbook is a working document intended to help new employees become familiar with the Department of Children and Family Services (DCFS). Experienced workers should also find this Handbook useful as a reference tool.

As a state agency, DCFS and its employees are bound by various local, state and federal laws and labor agreements. Management reserves the right to change, add, or terminate at any time the policies or statements in the Handbook that are not subject to collective bargaining. Where the provisions of this document conflict with any collective bargaining agreement(s), the terms of the collective bargaining agreement(s) will prevail.

Additional documents relevant to your employment as a DCFS and State of Illinois employee are:

- CMS Personnel Rules
- Applicable Bargaining Unit Contracts
 - American Federation of State, County and Municipal Employees, Council #31, AFL-CIO
 - Illinois Nurses Association
 - Supplemental Agreements and Memoranda of Understanding/Agreement
- DCFS Rules and Procedures, Administrative Procedures and Policy Guidelines.

Consult with your supervisor as to the location of the above-mentioned items.

If you have suggestions for this Handbook, please send them to the Office of Labor Relations, to the attention of the Office of Employee Services, 406 East Monroe Street, #373, Springfield, Illinois, 62701. Any suggestions will be considered for the next handbook update.

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Chapter 1.0

For Your Information...

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1.1 DCFS Mission Statement

The Mission of DCFS is to:

Protect children who are reported to be abused or neglected and to increase their families' capacity to safely care for them.

Provide for the well-being of children in our care.

Provide appropriate, permanent families as quickly as possible for those children who cannot safely return home.

Support early intervention and child abuse prevention activities.

Work in partnerships with communities to fulfill this mission.

Vision Statement

DCFS is committed to acting in the best interest of every child it serves and to helping families by increasing their ability to provide a safe environment for their children and by strengthening families who are at risk of abuse or neglect.

DCFS envisions a future in which children who have been abused or neglected:

Are served with respect, fairness, and linguistic and cultural competence.

Live in families that are safe and healthy.

Live safely at home or are placed for short-term care in capable, nurturing foster homes.

Have no unplanned placement disruptions.

Are quickly and safely reunified with their families through restorative services or are placed with adoptive families or permanent guardians when reunification is not possible.

Are served by a comprehensive continuum of services including the provision of residential placement when that best meets the child's needs.

1.1 DCFS Mission Statement (cont'd)

Live in communities where partnerships between DCFS, which has immediate and direct responsibility for youth in care, and other public and private agencies provide an effective array of services to meet the needs of children and families and prevent child abuse and neglect.

Are served by competent, highly trained staff who respond to every report of abuse or neglect and who act quickly and professionally to protect them and ensure their well-being.

Are served by a legal system that will promptly and efficiently adjudicate their cases and provide for an appropriate and expeditious disposition.

1.2 A History of Child Welfare in Illinois

Illinois history of voluntary (private) agencies providing child welfare began in 1849, when the Chicago Orphan Asylum (now the Chicago Child Care Society) was founded to care for orphans whose parents died of bubonic plague in Chicago as they traveled West in search of gold. Subsequent disasters in Illinois bred other voluntary agencies that were created to serve specific populations of children identified by religious and ethnic backgrounds.

In 1874, an incident in New York State stirred the nation when a New York court exercised protective supervision for an abused foster child on the basis that she was a member of the animal kingdom. Illinois was one of the states which soon after enacted legislation specifically prohibiting cruelty to children. In 1899, with the help of Jane Addams and Julia Lathrop of Hull House in Chicago, Illinois was the first state to adopt a Juvenile Court Act which contained basic child protection procedures.

Public child welfare in Illinois began at the end of the Civil War (1865) when the Illinois Soldier's Orphan Home was established. In 1895, the Illinois Soldier's and Sailor's Children's School in Normal began operations. During the school's years of operation, it symbolized the state's narrow definition of responsibility by providing child welfare services only to the children of parents having honorable veteran's status. Responsibility for providing child welfare to other children was left to local government and voluntary agencies. The generally accepted assumption and philosophy was that if the voluntary sectarian and non-sectarian agencies "took care of their own," there was little need for public monies to support child welfare services.

In 1951, the Illinois Commission on Children was created by the legislature to implement the recommendations of the 1950 White House Conference on Children. The Commission Office became a "think tank" and catalyst for those who were concerned about the inequities in services that excluded thousands of Illinois children in need of care. As a result, many bills were proposed in the Illinois House and Senate and, while none were passed, they did arouse public awareness about the state's limited provision of child welfare services.

It took until 1961 for the Illinois Commission on Children and members of the legislature to join in a thorough study of all aspects of services to children. This joint effort was the Legislative Commission on Services to Children and Their Families. On January 1, 1964, ninety-nine years after the beginning of public child welfare in Illinois, the legislature created the Illinois Department of Children

1.2 A History of Child Welfare in Illinois (cont'd)

and Family Services (DCFS) and the state's limited provision of child welfare services. As a result of this, what is now known as the Children and Family Services Act, the Department was entrusted with the responsibility of providing social services to children and their families, to operate children's institutions, and to provide certain other rehabilitative and residential services as enumerated in this Act.

The Department shall establish rules and regulations concerning its operation of programs designed to meet the goals of child protection, family preservation, family reunification, adoption and youth development, including but not limited to: adoption; foster care; family counseling; protective services; service to unwed mothers; homemaker service; return of runaway children; independent living skills and shelter for homeless youth; placement under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-29 of the Juvenile Court Act of 1987 in accordance with the federal Adoption Assistance and Child Welfare Act of 1980; and interstate services.

DCFS stands as a separate agency whose Director reports to the Governor. DCFS has its own budget that enables the state to focus on services that, through the legislature, are determined as necessary for Illinois children and families to receive.

In the late 1980's, a series of lawsuits were filed against DCFS on behalf of plaintiff children in the custody of the Department regarding specific issues about the services these children received. Court proceedings ensued and in late 1991, the Department and the ACLU entered into a Consent Decree in Federal Court, the "BH Consent Decree" as it is called, which mandated sweeping reforms.

Keeping children safe, providing for children's well being, and moving children to permanent families more quickly through return home, adoption or guardianship are DCFS' three primary goals. Omnibus permanency legislation crafted by the Illinois legislature, DCFS and child welfare advocates became effective statewide in January 1998.

The major changes affected by this permanency legislation were:

- Changes in the Juvenile Court timetable for attaining permanency with the establishment of a 12-month Permanency Hearing.
- New permanency goals for out-of-home cases.
- Amendments to the Adoption Act to expand grounds for the termination of parental rights.

1.2 A History of Child Welfare in Illinois (cont'd)

In July 1997, the responsibility for some parts of the agency changed with the creation of the new Department of Human Services umbrella agency. In addition, in this decade the number of children serviced increased to a high of 50,734. With the assistance from a decision by the Federal Government, resources began following adopted children and the numbers of children moving to a permanent setting dramatically increased. The combination of this policy decision, greater efforts of family re-unification, approaches and demographic factors, the number of children served as youth in care diminished to an average below 19,000 children in 2004.

Throughout this 40-year history of the Department as a code agency, it has continued its responsibility for high quality licensing of childcare, child welfare, daycare and foster home services.

Throughout its history the Department has worked toward providing the highest level of service to children and families as well as the people that serve them. Evidence of these values has been realized through the Department's full accreditation through the Council on Accreditation of Services for Families and Children, Inc. (COA). Not only is the Department accredited but all local offices are working toward accreditation

1.3 Delivery of Services

In our society, the family is responsible for raising, educating and socializing children. Our legal system supports the rights of parents to make decisions for their children. The family is constitutionally protected and beyond intervention by the state when providing necessary and appropriate care for their child(ren). When a family fails to meet the legal requirement to provide such necessary and appropriate care for their child(ren), the law delegates the authority to intervene in the family's life to the Department of Children and Family Services.

The Department's authority to intervene is limited to children who are:

- Abused
- Neglected (A child shall not be considered neglected for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act)
- Dependent
- Minors Requiring Authoritative Intervention (MRAI)
- Delinquent (under the age of 13 and placed in DCFS care by the judge who presided over the delinquency case)

Children and families come to the attention of the Department in three (3) ways:

- Reports to the State Central Register for allegations of child abuse and neglect;
- Referrals from schools, police, medical personnel or from other social service and public agencies which have contact with families who are having problems which put their children at risk of becoming abused or neglected;
- Requests for child welfare services from parents, a family member or other caregiver in the family household.

The State Central Register

Most referrals to DCFS for services come from reports to the Child Abuse Hotline, which is part of the State Central Register (SCR). The hotline is a 24-hour-a-day, toll-free telephone number (1-800/25-ABUSE); there is also a 24-hour TDD number for hearing-impaired callers (1-800/358-5117). Specially trained hotline workers assess each call, according to established rules, and determine whether the report meets the legal criteria for an investigation. If so, the information is documented and transmitted within one hour to the Child

1.3 Delivery of Services (cont'd)

Protection team serving the area in which the family resides. The report is then assigned to an investigator who is required by state law to see or attempt to see the alleged victim(s) within 24 hours.

People calling the hotline do not have to give their names, but they are encouraged to do so because it allows the local investigator to obtain additional information during the course of the investigation. Callers' names are kept confidential. There are criminal penalties for "intentionally false reporting" -- deliberately making a false report solely to hurt or harass someone.

An investigator must gather and document facts, then make a decision about the outcome of the investigation within 60 days; however, 30-day extensions may be granted by supervisors for good cause. The investigator interviews the children, parents, others living in the home, and a variety of collaterals who may provide useful information. After gathering all the facts, there are only two possible determinations:

1. The report can be "INDICATED," which means the information gathered by the investigator amounts to "CREDIBLE EVIDENCE." (Credible evidence means the information would lead a "reasonable person to believe that the child was abused or neglected.")
2. The report can be "UNFOUNDED," which means the investigator was unable to document credible evidence of abuse or neglect.

The investigator notifies the subject of the recommended finding when a determination is made, but the official notification of the final finding comes from SCR, which receives a final-finding report from the investigator and monitors it for compliance with Rules and Procedures. If the report is Indicated, the information is entered into the Department's central computer system. This means that any further inquiry or allegation involving either the victim or the perpetrator, which comes into the Hotline, will reference the indicated finding(s) unless the legally established retention period for the indicated report has expired or the indicated finding has been overturned by an administrative hearing. The Indicated perpetrator has 60 days to file an appeal.

When a child is an indicated victim of physical or sexual abuse perpetrated by a member of the child's family, the child's school will be forwarded a copy of the confidential investigative summary if the child is attending a public school. The investigative summary must be maintained in accordance with the Illinois School Student Records Act.

1.3 Delivery of Services (cont'd)

If the report is Unfounded, the report information at the State Central Register is destroyed in accordance with the Rules, unless the subject of the report asks that it be retained as evidence of harassment. Mandated reporters will receive notification from the State Central Register that a report is "unfounded." If the mandated reporter disagrees with this finding, he or she may request a review of the investigation within 10 days of being notified. The steps to take in requesting such a review will be in the notification letter.

The police and the County State's Attorney are notified of all reports of sexual abuse or serious physical injury. The police are also notified after a second Indicated report of child abuse. The police may either investigate jointly with DCFS or conduct their own investigation.

Investigators, police, and physicians have the legal authority to take immediate custody of a child when they believe the child is in imminent danger of harm. This is called "Temporary Protective Custody" and must be reviewed by a judge within two working days. Any time a child is removed from the home and placed elsewhere, both a family case and a child case are opened for service provision and monitoring.

On Indicated reports, DCFS proceeds with an assessment of the family situation to determine whether or not services are needed. The investigator then either provides those services or makes a referral to an appropriate provider. If the investigator determines that the Department should open a service case to provide or monitor services, a case is opened either at the local DCFS child welfare team or to a private agency.

1.4 Mandated Reporters

The protection of children is the responsibility of the entire community. Teachers, medical personnel, foster parents, members of the clergy and others assume particular responsibility for the protection of children by serving as “mandated reporters.”

ANCRA (325 ILCS 5/4) - the Abused and Neglected Child Reporting Act - defines a mandated reporter as a person in specified professions who has “reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child...” Therefore, **ALL DCFS EMPLOYEES ARE MANDATED REPORTERS.**

Because it is the mission of the Department to protect children, in accordance with this mission, DCFS staff are to protect children at all times and are expected to report all instances of child abuse/neglect when they have reasonable cause to suspect that a child has been abused or neglected. The Hotline worker will determine if the information given by the reporter meets the legal requirements to initiate an investigation.

Mandated reporters must immediately report or cause a report to be made:

- by telephone to the State Central Register on the toll-free hotline telephone number, 1-800-252-2873 (1-800-25-ABUSE); 1-800-358-5117 (TTY); 1-217-524-2606 if calling from outside Illinois;
- in person or by telephone through the nearest DCFS office.

The criteria needed for a child abuse or neglect investigation:

- The alleged victim is a child under the age of 18.
- The alleged perpetrator is a parent, guardian, foster parent, relative caregiver, paramour, any individual residing in the same home, any person responsible for the child’s welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust (for example: health care professionals, educational personnel, recreational supervisors, members of the clergy, volunteers or support personnel) in settings where children may be subject to abuse or neglect.
- There is a specific incident of abuse or neglect or a specific set of circumstances involving suspected abuse or neglect.
- There is demonstrated harm to the child or a substantial risk of physical or sexual injury to the child.

1.4 Mandated Reporters (cont'd)

When reporting child abuse or neglect to the Hotline, the reporter must provide the following information if known:

1. Names, birth dates (or approximate ages), races, genders, etc. for all adult and child subjects;
2. Addresses for all victims and perpetrators, including current location;
3. Information about the siblings or other family members, if available;
4. Specific information about the abusive incident or the circumstances contributing to risk of harm – for example, when the incident occurred, the extent of the injuries, how the child says it happened, and any other pertinent information.

If this information is not readily available, the reporter should not delay a call to the Hotline.

Recent legislation has emphasized the responsibility of the Department, and all service providers working with it, to serve the best interests of each child in care. The role of DCFS employees and foster parents includes accepting the responsibility to keep children safe from abuse and neglect by serving as mandated reporters. Any person who knowingly and willfully violates the responsibility as a mandated reporter could be found guilty of a **Class A misdemeanor** (ANCRA - Section 4).

The *Manual for Mandated Reporters*, which includes a copy of ANCRA (325 ILCS 5/4) is available on the Department's website at www.state.il.us/dcfs.

1.5 The Role of Juvenile Court

The Juvenile Court Act governs the great majority of court actions concerning DCFS youth in care and their families. All direct service staff, and a substantial portion of support staff, will appear in Juvenile Court at one time or another in fulfillment of their duties.

At each stage of a Juvenile Court proceeding, the Department plays a significant role in the presentation of evidence. For example, a critical role of the DCFS investigator is the responsibility for removal of a child from his/her home when the child's safety and welfare cannot be assured in the home. While empowered by law to remove a child, the investigator is also required to notify the child's parents and initiate Juvenile Court proceedings regarding the reasons for the child's removal from the home. The investigator provides evidence at court hearings, through oral testimony and written documentation, describing how the child is abused or neglected and why the child is in need of the court's protection.

In subsequent Juvenile Court proceedings, the assigned caseworker provides information about the parents' cooperation with services intended to preserve or reunite the family. The caseworker provides service plans and dispositional reports in addition to oral testimony and other written documentation describing the family's progress and the child's well being.

Based upon the evidence presented in the court hearing(s), the judge enters orders, in the best interests of the child, which affect the parent and child relationship. The judge may return a child to the parents, order the Department to serve as either temporary custodian or guardian of the child, or terminate parental rights as the evidence and the circumstances of the case may require.

Clearly, the Juvenile Court has a significant role in the child welfare team. It is crucial that Department employees, direct service, and administrative and support staff alike, develop and maintain positive working relationships with the judges, attorneys and other court participants, and that participation in Juvenile Court be viewed as a positive opportunity to further the best interests of children, families and the community.

As a Department employee, you must take seriously your responsibility to attend court proceedings. Failure to appear and assist the court will impair the delivery of services to children and families, and jeopardize the Department's working relationships with judges, attorneys and other court participants.

1.5 The Role of Juvenile Court (cont'd)

The key to presenting yourself and being recognized as a professional in court is to come prepared. Part of your preparation will include familiarizing yourself with formalities of the court that are expected of all participants. Direct service staff must attend all court hearings scheduled for cases for which they are assigned direct casework responsibility. In a very real sense, direct service staff are the court's "eyes and ears" -- the court relies upon the child protection and casework staff to bring information about their contacts with the child, parents, and others with knowledge of the case. Always attend court on time and appropriately dressed. Psychological studies show that people will perceive you as being more professional, and therefore more persuasive, if you are prompt and dressed in business attire.

All direct service supervisors and staff receive an in-depth overview of the Juvenile Court and the Department's role and responsibilities in the court process as part of the Foundation Training.

Sources of Law Affecting Illinois Public Child Welfare

Constitutional Law

The federal and state constitutions establish the organization, powers and framework of government. Our constitutions empower the Congress and state legislatures to enact legislation prescribing how government will fulfill its functions and authorities. Although the impact or implications of constitutional law may seem remote from the day-to-day activities of the Department, it is essential to understand that constitutional law:

- establishes the authority of the legislature to create and regulate the delivery of public social services for the health and welfare of the public; and
- establishes the rights of citizens to "due process," "equal protection," and "privacy" which must be maintained and respected by any agent of the government.

1.5 The Role of Juvenile Court (cont'd)**State Law**

The Department of Children and Family Services is an agency in the executive branch of Illinois state government. The Governor with the advice and consent of the State Senate appoints the Director. The Department's roles and responsibilities are derived primarily from state laws enacted by the Illinois General Assembly, published in the Illinois Compiled Statutes. The major laws -- or statutes -- affecting DCFS are the Children and Family Services Act, the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Juvenile Court Act of 1987. The Department reproduces copies of the Children and Family Services Act, the Abused and Neglected Child Reporting Act, and the Child Care Act of 1969. The copies are available upon request from the Office of Communications at (217) 785-1700.

- ***The Children and Family Services Act*** establishes the Department of Children and Family Services as a state agency, mandates the provision of services to certain populations of children and provides the legal framework for public child welfare services in Illinois. The operations of the Department consist of a broad range of prevention, detection and treatment services. Cases in which child abuse or neglect is suspected enter the system through the child protection services division. All other cases enter through the child welfare services division. This Act requires the Department of Children and Family Services to provide family preservation, family reunification and direct child welfare services, such as foster care, adoption, subsidized adoption or attainment of a permanent living arrangement such as guardianship, counseling, and homemaker services. The Department must also assure the protection of children through licensure of foster homes, day care facilities and agencies, group homes, child welfare agencies and other institutions.
- ***The Abused and Neglected Child Reporting Act*** requires the Department to receive reports of abused and neglected children, investigate these reports, and provide services necessary to prevent further harm to children. The Act provides definitions of child abuse and neglect, lists the persons who are required to report allegations of child abuse or neglect ("mandated reporters"), and describes how the Department is to accept and investigate all reports and provide follow-up services on substantiated instances of abuse or neglect.
- ***The Child Care Act of 1969*** prescribes the regulatory functions and responsibilities of the Department with respect to those individuals or entities, which provide child or foster care for children. The Child Care Act

1.5 The Role of Juvenile Court (cont'd)

details the types of facilities which must be licensed, the license application process, the required background investigations, and enforcement actions to revoke or refuse renewal of licenses for non-compliance with licensing standards.

- ***The Juvenile Court Act of 1987*** prescribes the court procedure for protecting children who are alleged to be abused, neglected, dependent, delinquent, truant or in need of authoritative intervention. The Act provides for due process and the protection of individual rights of the parents and child, while permitting the court sufficient latitude to act in the best interests of the child.

Other state laws that impact the operations of the Department are:

- ***The Adoption Act*** prescribes the procedures for adopting a child, defines the process for voluntary termination of parental rights through execution of a consent or surrender for adoption, and defines the grounds for involuntary termination of parental rights in contested cases.
- ***The Interstate Compact on the Placement of Children*** prescribes the Department's regulatory functions and responsibilities with regard to the placement of Illinois children in other states and children from other states being placed in Illinois. Every state has enacted this uniform legislation.

Federal Law and Regulations

Federal law and federal agency regulations interpreting those laws also impact the Department. Federal law and regulations often prescribe the manner in which services must be provided. Compliance affects the amount of federal dollars returned to Illinois to support public child welfare services. The following federal statutes most directly affect the operations of the Department and its clients:

- ***The Social Security Act*** provides the framework for many services provided to Department clients, including child welfare service funding (Title IV-B), training, foster care and adoption assistance funding (Title IV-E), medical assistance funding (Title XIX, administered by the Department of Public Aid), and social services block grant funding (Title XX, also administered by the Department of Public Aid).

1.5 The Role of Juvenile Court (cont'd)

The Adoption Assistance and Child Welfare Act of 1980 provides a wide range of funds for a broad range of child welfare services. The Act requires that states make reasonable efforts to prevent out-of-home placement, reunify families after removal, and provide permanency planning for children.

- ***The Indian Child Welfare Act of 1978*** prescribes standards for removing children of Native American heritage from their families and provisions for maintaining the culture when out-of-home placement is necessary.
- ***The Child Abuse and Neglect Prevention and Treatment Act of 1974*** established the National Center on Child Abuse and Neglect and provides for grants to states for research and demonstration projects designed to prevent, identify or treat child abuse and neglect.

Case Law

Case law, or those judgments or interpretations of the judiciary in particular cases, often affects the Department's day-to-day service delivery. Through case law, the courts seek to create a common, uniform interpretation of specific statutory provisions. The courts also review the statutes in the context of constitutional requirements.

In the context of specific cases, the courts interpret statutes, define terminology and review compliance with statutorily prescribed procedures. While trial court decisions are not published, decisions of the Illinois Appellate and Supreme Courts are frequently published. By citing the published opinions, the courts and attorneys strive for consistency in the application of laws to individual cases.

Consent Decrees

In an effort to resolve several major lawsuits brought against the Department of Children and Family Services, the Department voluntarily consented to modify many of its specific policies and practices. In these instances, an enforceable "consent decree" sets forth the terms of the agreement between the Department and the individuals bringing suit. As a result of these consent decrees, Illinois' child welfare system is undergoing greater, farther-reaching change today than at any time in its history.

Summaries of the major consent decrees affecting services to Illinois children and families are provided on the following page.

1.5 The Role of Juvenile Court (cont'd)

- ***Aristotle P. v. Johnson*** requires DCFS to place siblings together whenever possible, and to provide adequate visitation for siblings placed apart. The requirements are reflected in Rule and Procedure 305.
- ***B.H. v. McDonald*** This federal class action was filed by the American Civil Liberties Union (ACLU) on behalf of all children in DCFS custody who are placed in substitute care. The ***B.H.*** consent decree mandates a series of reforms to provide children in DCFS custody with safe and appropriate living arrangements; services to stay safely at home or be returned home or otherwise moved to a permanent or adoptive home; and proper medical care, mental health services, education, developmental services and other treatment as necessary. The decree includes specific obligations covering protective services and initial assessments; screenings and assessments for children; case plans and permanency goals; administrative case reviews; case staffing and management; placement and other services; case records and information systems; health care; education; adoption; licensing; training; and quality assurance.

Among the more visible highlights of the ***B.H.*** consent decree are: caseload reductions and reduction in caseworker-to-supervisor ratio; development of Parent and Child Handbooks informing clients of the laws, rights and responsibilities which affect parents and children when children are placed away from home; development of comprehensive assessments and health passports; and behavior management techniques for children whose behavior endangers themselves and/or others. The many changes brought about as a result of ***B.H.*** are interspersed throughout Department rules and procedures.

- ***Bates v. McDonald*** -- requires DCFS to comply with its own Rule 305 requiring weekly parent-child visitation for children in substitute care with a "return home" goal.

DCFS is funding a number of different activities to provide regular visitation, including visitation centers, support for visitation monitored by foster parents and caseworkers, transportation funds for parents to attend visitations, and training and implementation of DCFS protocols on visitation. Rule and Procedure 305 reflects the requirements of this consent decree.

1.5 The Role of Juvenile Court (cont'd)

- ***Burgos v. McDonald*** -- requires DCFS to provide appropriate social services to Spanish speaking or Hispanic clients. Examples include, but are not limited to providing a 24-hour central telephone number to assist Spanish-speaking clients with questions or complaints regarding services, to providing certain documents with accompanying Spanish translation when signature on English document is required, providing child welfare and counseling services to Spanish-speaking Hispanic clients by bilingual employees. The many requirements of Burgos are interspersed throughout DCFS rules and procedures.
- ***Hill v. Erickson*** -- requires DCFS to provide adequate placement and programming for DCFS youth in care who are pregnant and/or parenting. The decree requires that all pregnant and parenting youth in care be identified on an on-going basis, and that a range of specialized services be developed to meet their unique needs.
- ***In re Lee/Wesley*** -- requires the DCFS Guardianship Administrator to notify the Guardianship and Advocacy Commission within 24 hours of admission of a Cook County youth in care to a mental health or drug dependency facility, in order to ensure that these youth in care are not placed inappropriately in psychiatric facilities, nor held longer than medically necessary.

This consent decree applies to Cook County children, even those who are placed in a psychiatric facility outside of Cook County. The requirements of this consent decree are reflected in Rule and Procedure 327.

[Note: Similar requirements for pre-screening of all DCFS children prior to entering any psychiatric facility (state-operated or private) and for ongoing monitoring and discharge planning also exist under the **B.H.** consent decree and require, among other things, casework, screening and assessment services (SASS), mental health services (in-patient and out-patient), and the development of “step-down” resources.]

- ***Norman v. McDonald*** -- stipulates that DCFS not remove children from, or refuse to return children to, their parents solely because of poverty or homelessness. Specific provisions in the consent decree also address responses to children in shelters and where domestic violence is an issue.

DCFS has developed procedures requiring caseworkers to explore placement prevention when poverty or domestic violence is a factor, and describing criteria for providing cash assistance, TANF and/or housing assistance, and other services to meet the basic needs of children. DCFS Rules and Procedures 300, 302 and 305 reflect the requirements of this consent decree.

1.5 The Role of Juvenile Court (cont'd)

- **Katie I., et. al. v. Ted Kimbrough, the Chicago Board of Education, et. al.** -- requires DCFS to notify the Board of Education when a youth in care is admitted to a shelter, to provide them with appropriate identification of DCFS youth in care in shelter care, and to enable enrollment in an educational program. DCFS must also verify immunization records of youth in care in shelter care pursuant to 77 Illinois Administrative Code, part 665.

State and federal law gives children the right to an education in the least restrictive setting and requires identification, assessment, evaluation, classification and education of DCFS youth in care in shelter care who require special education.

- **Gomez V. Johnson** - The **Gomez** consent decree was entered on August 13, 1987. The primary purpose of the consent decree is to prohibit DCFS youth in care, which are delinquent, from remaining in DOC solely because no other placements have been located for them.

1.6 Geographic/Administrative/LANs Boundaries

Geographical Composition of Local Area Networks (LANs)

Geographical Composition of Local Area Networks
Alphabetical Cross Reference

Northern Region

Central Region

Southern Region

Cook North Region

Cook Central Region

Cook South Region

Geographical Composition of Local Area Networks

Geographical Composition of Local Area Networks

Northern Region

LAN 26

Kankakee County

LAN 30

Carroll County

Lee County

Ogle County

Whiteside County

LAN 31

JoDaviess County

Stephenson County

LAN 32

Boone County

Winnebago County

LAN 33

DeKalb County

LAN 34

McHenry County

LAN 35

Lake County

LAN 39

DuPage County

LAN 47

Kane County

Kendall County

LAN 49

Grundy County

Will County

Geographical Composition of Local Area Networks

Central Region

LAN 13

Calhoun County
Greene County
Jersey County
Macoupin County
Montgomery County

LAN 14

Clark County
Coles County
Cumberland County
Douglas County
Edgar County
Moultrie County
Shelby County

LAN 15

Christian County
Logan County
Mason County
Menard County
Sangamon County

LAN 16

Brown County
Cass County
Morgan County
Schuyler County
Scott County

LAN 17

Adams County
Hancock County
Pike County

LAN 18

Fulton County
Henderson County
Henry County
Knox County
McDonough County
Warren County

LAN 20

Peoria County

LAN 21

Tazewell County
Woodford County

LAN 22

DeWitt County
Macon County
Piatt County

LAN 23

McLean County

LAN 23A

Livingston County

LAN 24

Champaign County
Ford County
Iroquois County

LAN 25

Vermilion County

LAN 27

Bureau County
LaSalle County
Marshall County
Putnam County
Stark County

LAN 29

Mercer County
Rock Island County

Geographical Composition of Local Area Networks

Southern Region

LAN 1

Alexander County
Hardin County
Johnson County
Massac County
Pope County
Pulaski County
Union County

LAN 7

Bond County
Clinton County
St. Clair County (excluding geographical
areas in LAN 6)
Washington County

LAN 2

Gallatin County
Saline County
White County

LAN 8

Hamilton County
Jefferson County
Wayne County

LAN 3

Franklin County
Williamson County

LAN 9

Clay County
Effingham County
Fayette County
Jasper County
Marion County

LAN 4

Jackson County
Perry County

LAN 10

Crawford County
Edwards County
Lawrence County
Richland County
Wabash County

LAN 5

Monroe County
Randolph County

LAN 12

Madison County

LAN 6

Parts of St. Clair County, including
Alorton
Brooklyn
Centerville
Collinsville (part)
East St. Louis
Fairmont City
National City
Washington Park

Geographical Composition of Local Area Networks

Cook Region

LAN 37A

New Trier Township
Northfield Township

LAN 38A

Wheeling Township

LAN 40

Evanston Township

LAN 41

Niles Township

LAN 42

Elk Grove Township
Maine Township

LAN 45

Barrington Township
Palatine Township

LAN 46

Hanover Township
Schaumburg Township

LAN 53

Bloom Township
Bremen Township
Rich Township
Thornton Township

LAN 56

Calumet Township
Lemont Township
Orland Township
Palos Township
Stickney Township -Lower
Worth Township

LAN 57

Lyons Township
Riverside Township

LAN 58

Berwyn Township
Cicero Township
Oak Park Township
River Forest Township
Stickney Township -Upper

LAN 60

Proviso Township

LAN 61

Leyden Township

LAN 63

Albany Park Community Area
Belmont-Cragin Community Area
Dunning Community Area
Edison Park Community Area
Forest Glen Community Area
Hermosa Community Area
Irving Park Community Area
Jefferson Park Community Area
Montclare Community Area
North Park Community Area
Norwood Park Community Area
Norwood Park Township
O'Hare Community Area
Portage Park Community Area

LAN 65

Edgewater Community Area
Lake View Community Area
Lincoln Park Community Area
Lincoln Square Community Area
Loop Community Area
Near North Side Community Area
North Center Community Area
Rogers Park Community Area
Uptown Community Area
West Ridge Community Area

Geographical Composition of Local Area Networks

Cook Region (continued)

LAN 67

Austin Community Area
Avondale Community Area
East Garfield Park Community Area
Humboldt Park Community Area
Logan Square Community Area
Near West Side Community Area
North Lawndale Community Area
West Garfield Park Community Area
West Town Community Area

LAN 75

Lower West Side Community Area
South Lawndale Community Area

LAN 76

Armour Square Community Area
Douglas Community Area
Near South Side Community Area
Oakland Community Area

LAN 77

Archer Heights Community Area
Bridgeport Community Area
Brighton Park Community Area
Chicago Lawn Community Area
Clearing Community Area
Gage Park Community Area
Garfield Ridge Community Area
McKinley Park Community Area
New City Community Area
West Elsdon Community Area
West Lawn Community Area

LAN 79

Englewood Community Area
West Englewood Community Area

LAN 80

Fuller Park Community Area
Grand Boulevard Community Area
Hyde Park Community Area
Kenwood Community Area
Washington Park Community Area
Woodlawn Community Area

LAN 82

Avalon Park Community Area
Burnside Community Area
Chatham Community Area
Greater Grand Crossing Community Area
South Shore Community Area

LAN 84

Auburn Gresham Community Area
Washington Heights Community Area

LAN 85

Ashburn Community Area
Beverly Community Area
Mount Greenwood Community Area

LAN 86

Morgan Park Community Area
Pullman Community Area
Riverdale Community Area
Roseland Community Area
West Pullman Community Area

LAN 87

Calumet Heights Community Area
East Side Community Area
Hedgewisch Community Area
South Chicago Community Area
South Deering Community Area

Geographical Composition
of
Local Area Networks

*Alphabetical
Cross
Reference*

Geographical Composition of Local Area Networks

Alphabetical Cross Reference

| <u>GEOGRAPHICAL DESCRIPTION</u> | <u>DCFS REGION</u> | <u>LAN NUMBER</u> |
|---------------------------------|--------------------|-------------------|
| Adams County | Central | 17 |
| Alexander County | Southern | 1 |
| Bond County | Southern | 7 |
| Boone County | Northern | 32 |
| Brown County | Central | 16 |
| Bureau County | Central | 27 |
| Calhoun County | Central | 13 |
| Carroll County | Northern | 30 |
| Cass County | Central | 16 |
| Champaign County | Central | 24 |
| Christian County | Central | 15 |
| Clark County | Central | 14 |
| Clay County | Southern | 9 |
| Clinton County | Southern | 7 |
| Coles County | Central | 14 |
| Cook County: | | |
| Townships: | | |
| Barrington | Cook | 45 |
| Berwyn | Cook | 58 |
| Bloom | Cook | 53 |
| Bremen | Cook | 53 |
| Calumet | Cook | 56 |
| Cicero | Cook | 58 |
| Elk Grove | Cook | 42 |
| Evanston | Cook | 40 |
| Hanover | Cook | 46 |
| Lemont | Cook | 56 |
| Leyden | Cook | 61 |
| Lyons | Cook | 57 |
| Maine | Cook | 42 |
| New Trier | Cook | 37A |
| Niles | Cook | 41 |
| Northfield | Cook | 37A |
| Norwood Park | Cook | 63 |
| Oak Park | Cook | 58 |
| Orland | Cook | 56 |
| Palatine | Cook | 45 |
| Palos | Cook | 56 |
| Proviso | Cook | 60 |
| Rich | Cook | 53 |
| River Forest | Cook | 58 |
| Riverside | Cook | 57 |
| Schaumburg | Cook | 46 |
| Stickney (Upper) | Cook | 58 |
| Stickney (Lower) | Cook | 56 |
| Thornton | Cook | 53 |
| Wheeling | Cook | 38A |
| Worth | Cook | 56 |

| <u>GEOGRAPHICAL DESCRIPTION</u> | <u>DCPS REGION</u> | <u>LAN NUMBER</u> |
|---|--------------------|-------------------|
| City of Chicago Community Areas: | | |
| Albany Park | Cook | 63 |
| Archer Heights | Cook | 77 |
| Armour Square | Cook | 76 |
| Ashburn | Cook | 85 |
| Auburn Gresham | Cook | 84 |
| Austin | Cook | 67 |
| Avalon Park | Cook | 82 |
| Avondale | Cook | 67 |
| Belmont Cragin | Cook | 63 |
| Beverley | Cook | 85 |
| Bridgeport | Cook | 77 |
| Brighton Park | Cook | 77 |
| Burnside | Cook | 82 |
| Calumet Heights | Cook | 87 |
| Chatham | Cook | 82 |
| Chicago Lawn | Cook | 77 |
| Clearing | Cook | 77 |
| Douglas | Cook | 76 |
| Dunning | Cook | 63 |
| East Garfield | Cook | 67 |
| East Side | Cook | 87 |
| Edgewater | Cook | 65 |
| Edison Park | Cook | 63 |
| Englewood | Cook | 79 |
| Forest Glen | Cook | 63 |
| Fuller Park | Cook | 80 |
| Gage Park | Cook | 77 |
| Garfield Ridge | Cook | 77 |
| Grand Boulevard | Cook | 80 |
| Greater Grand Crossing | Cook | 82 |
| Hegewisch | Cook | 87 |
| Hermosa | Cook | 63 |
| Humboldt Park | Cook | 67 |
| Hyde Park | Cook | 80 |
| Irving Park | Cook | 63 |
| Jefferson Park | Cook | 63 |
| Kenwood | Cook | 80 |
| Lake View | Cook | 65 |
| Lincoln Park | Cook | 65 |
| Lincoln Square | Cook | 65 |
| Logan Square | Cook | 67 |
| Loop | Cook | 65 |
| Lower West Side | Cook | 75 |
| McKinley Park | Cook | 77 |
| Montclare | Cook | 63 |
| Morgan Park | Cook | 86 |
| Mount Greenwood | Cook | 85 |
| Near North Side | Cook | 65 |
| Near South Side | Cook | 76 |
| Near West Side | Cook | 67 |
| New City | Cook | 77 |

GEOGRAPHICAL DESCRIPTIONDCPS REGIONLAN NUMBER

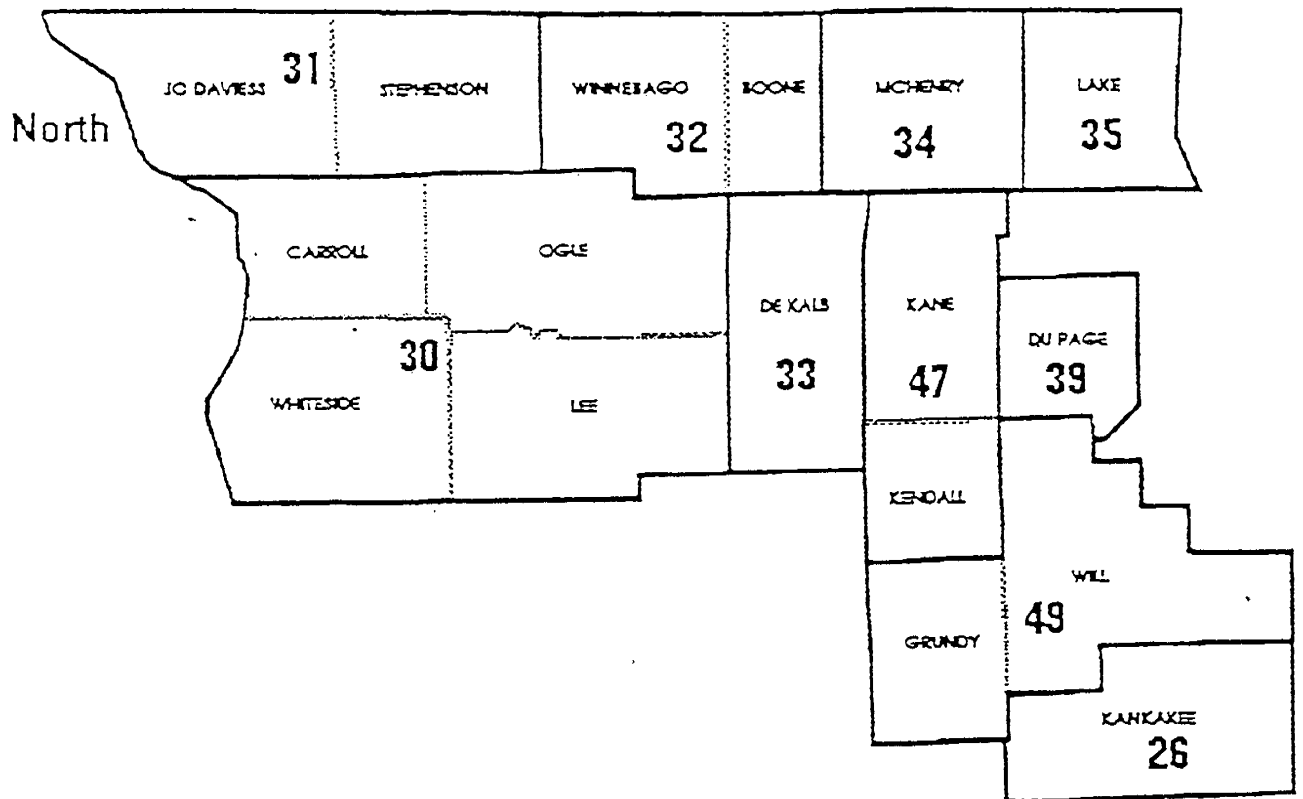
City of Chicago Community Areas (continued):

| | | |
|--------------------|----------|----|
| North Center | Cook | 65 |
| North Lawndale | Cook | 67 |
| North Park | Cook | 63 |
| Norwood Park | Cook | 63 |
| Oakland | Cook | 76 |
| O'Hare | Cook | 63 |
| Portage Park | Cook | 63 |
| Pullman | Cook | 86 |
| Riverdale | Cook | 86 |
| Rogers Park | Cook | 65 |
| Roseland | Cook | 86 |
| South Chicago | Cook | 87 |
| South Deering | Cook | 87 |
| South Lawndale | Cook | 75 |
| South Shore | Cook | 82 |
| Uptown | Cook | 65 |
| Washington Heights | Cook | 84 |
| Washington Park | Cook | 80 |
| West Elsdon | Cook | 77 |
| West Englewood | Cook | 79 |
| West Garfield | Cook | 67 |
| West Lawn | Cook | 77 |
| West Pullman | Cook | 86 |
| West Ridge | Cook | 65 |
| West Town | Cook | 67 |
| Woodlawn | Cook | 80 |
| Crawford County | Southern | 10 |
| Cumberland County | Central | 14 |
| DeKalb County | Northern | 33 |
| DeWitt County | Central | 22 |
| Douglas County | Central | 14 |
| DuPage County | Northern | 39 |
| Edgar County | Central | 14 |
| Edwards County | Southern | 10 |
| Effingham County | Southern | 9 |
| Fayette County | Southern | 9 |
| Ford County | Central | 24 |
| Franklin County | Southern | 3 |
| Fulton County | Central | 18 |
| Gallatin County | Southern | 2 |
| Greene County | Central | 13 |
| Grundy County | Northern | 49 |
| Hamilton County | Southern | 8 |
| Hancock County | Central | 17 |
| Hardin County | Southern | 1 |
| Henderson County | Central | 18 |
| Henry County | Central | 18 |
| Iroquois County | Central | 24 |
| Jackson County | Southern | 4 |
| Jasper County | Southern | 9 |

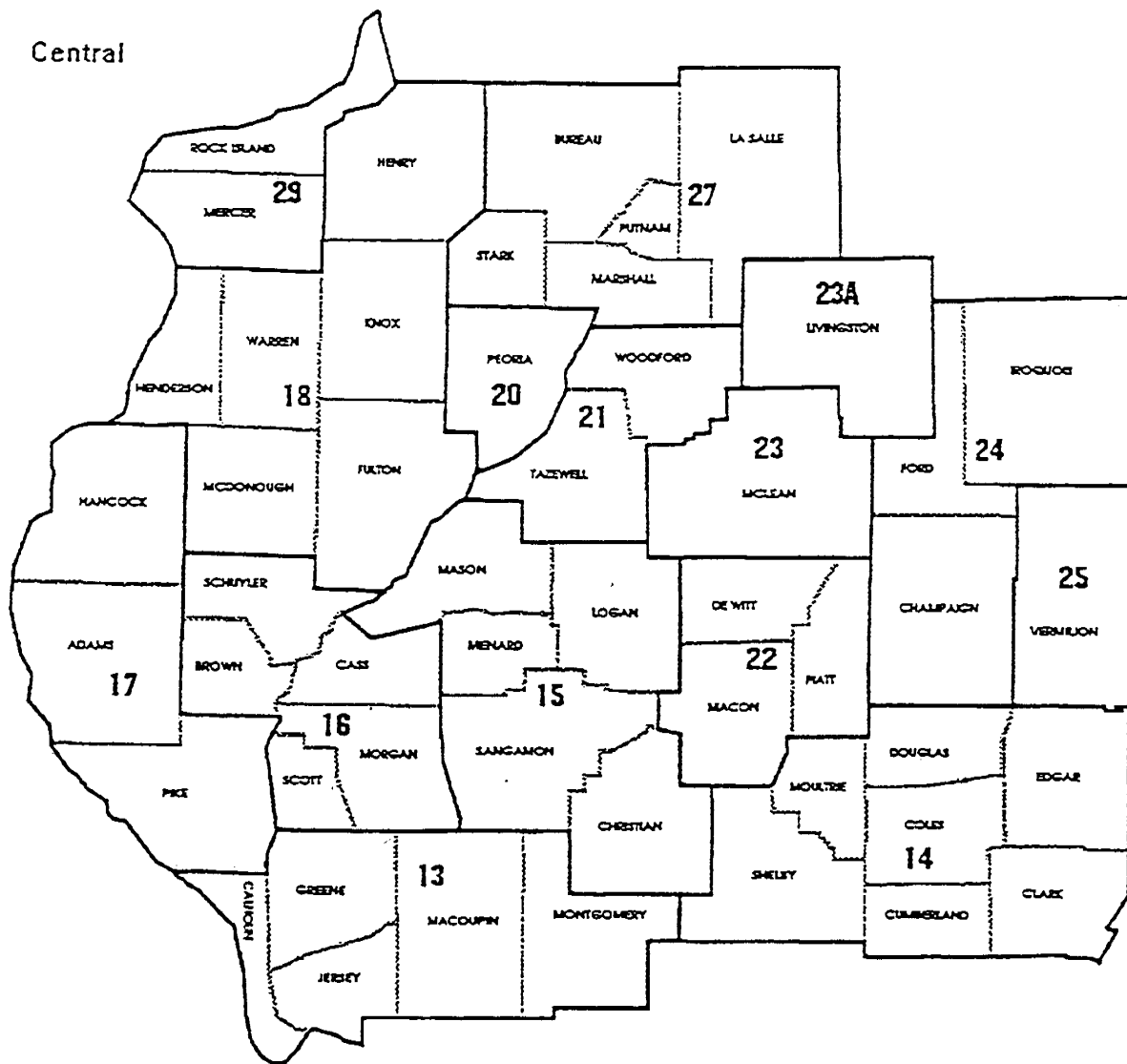
| <u>GEOGRAPHICAL DESCRIPTION</u> | <u>DCFS REGION</u> | <u>LAN NUMBER</u> |
|--|--------------------|-------------------|
| Jefferson County | Southern | 8 |
| Jersey County | Central | 13 |
| Jo Daviess County | Northern | 31 |
| Johnson County | Southern | 1 |
| Kane County | Northern | 47 |
| Kankakee County | Northern | 26 |
| Kendall County | Northern | 47 |
| Knox County | Central | 18 |
| Lake County | Northern | 35 |
| LaSalle County | Central | 27 |
| Lawrence County | Southern | 10 |
| Lee County | Northern | 30 |
| Livingston County | Central | 23A |
| Logan County | Central | 15 |
| Macon County | Central | 22 |
| Macoupin County | Central | 13 |
| Madison County | Southern | 12 |
| Marion County | Southern | 9 |
| Marshall County | Central | 27 |
| Mason County | Central | 15 |
| Massac County | Southern | 1 |
| McDonough County | Central | 18 |
| McHenry County | Northern | 34 |
| McLean County | Central | 23 |
| Menard County | Central | 15 |
| Mercer County | Central | 29 |
| Monroe County | Southern | 5 |
| Montgomery County | Central | 13 |
| Morgan County | Central | 16 |
| Moultrie County | Central | 14 |
| Ogle County | Northern | 30 |
| Peoria County | Central | 20 |
| Perry County | Southern | 4 |
| Piatt County | Central | 22 |
| Pike County | Central | 17 |
| Pope County | Southern | 1 |
| Pulaski County | Southern | 1 |
| Putnam County | Central | 27 |
| Randolph County | Southern | 5 |
| Richland County | Southern | 10 |
| Rock Island County | Central | 29 |
| St. Clair County (Villages & Cities): | | |
| Alorton Village | Southern | 6 |
| Brooklyn Village | Southern | 6 |
| Centerville City | Southern | 6 |
| Collinsville City (part) | Southern | 6 |
| East St. Louis City | Southern | 6 |
| Fairmont City Village | Southern | 6 |
| National City Village | Southern | 6 |
| Washington Park Village | Southern | 6 |
| Remainder of St. Clair County not in LAN 6 | Southern | 7 |

| <u>GEOGRAPHICAL DESCRIPTION</u> | <u>DCFS REGION</u> | <u>LAN NUMBER</u> |
|---------------------------------|--------------------|-------------------|
| Saline County | Southern | 2 |
| Sangamon County | Central | 15 |
| Schuyler County | Central | 16 |
| Scott County | Central | 16 |
| Shelby County | Central | 14 |
| Stark County | Central | 27 |
| Stephenson County | Northern | 31 |
| Tazewell County | Central | 21 |
| Union County | Southern | 1 |
| Vermilion County | Central | 25 |
| Wabash County | Southern | 10 |
| Warren County | Central | 18 |
| Washington County | Southern | 7 |
| Wayne County | Southern | 8 |
| White County | Southern | 2 |
| Whiteside County | Northern | 30 |
| Will County | Northern | 49 |
| Williamson County | Southern | 3 |
| Winnebago County | Northern | 32 |
| Woodford County | Central | 21 |

NORTHERN REGION
Child & Adolescent Local Area Networks

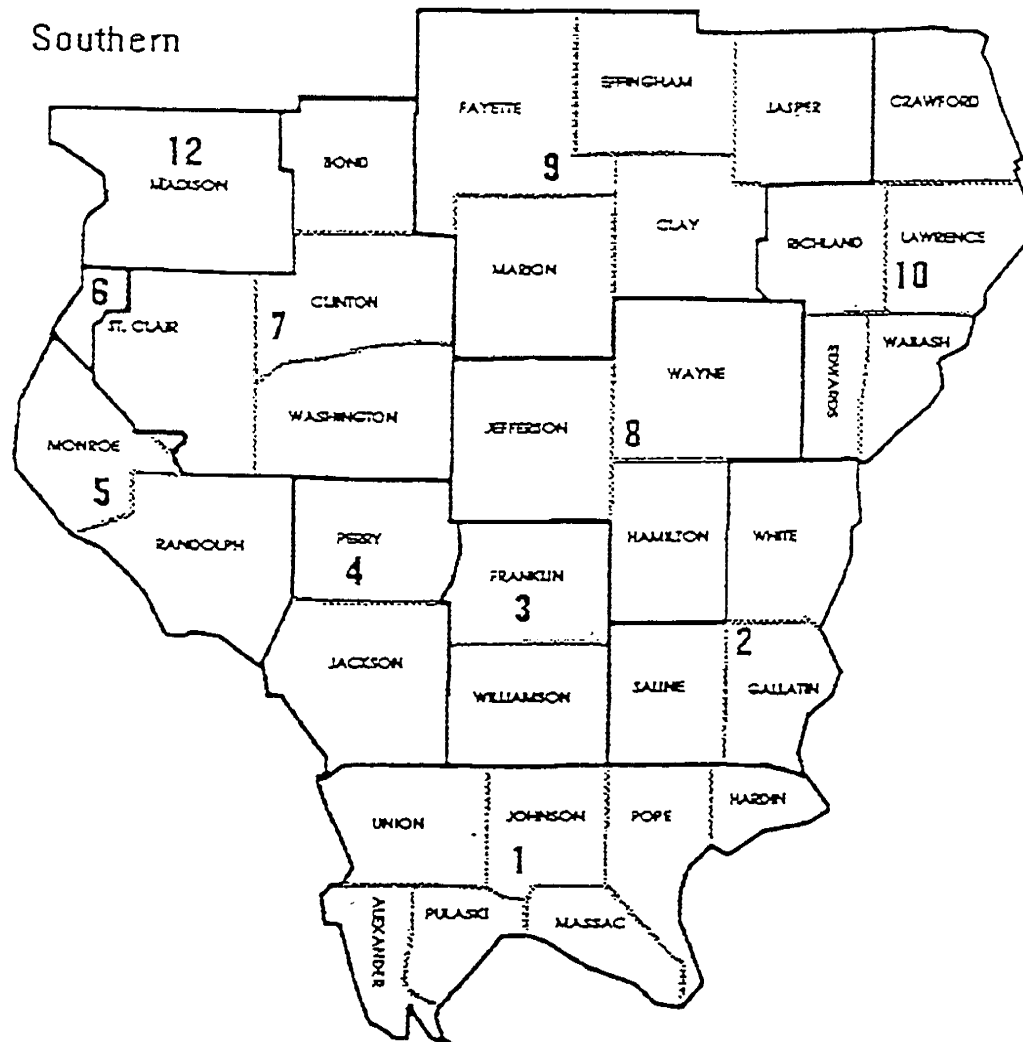


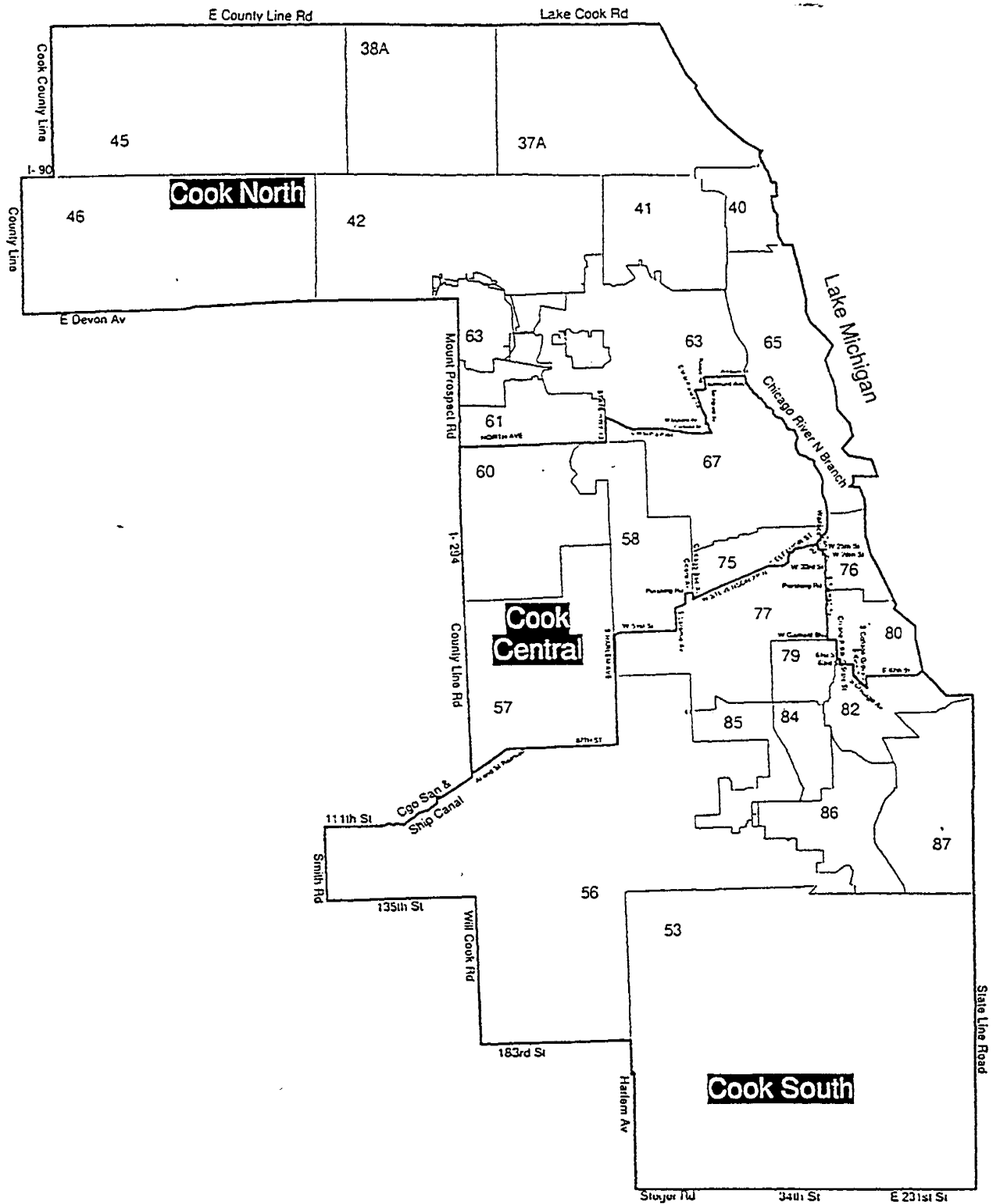
Central



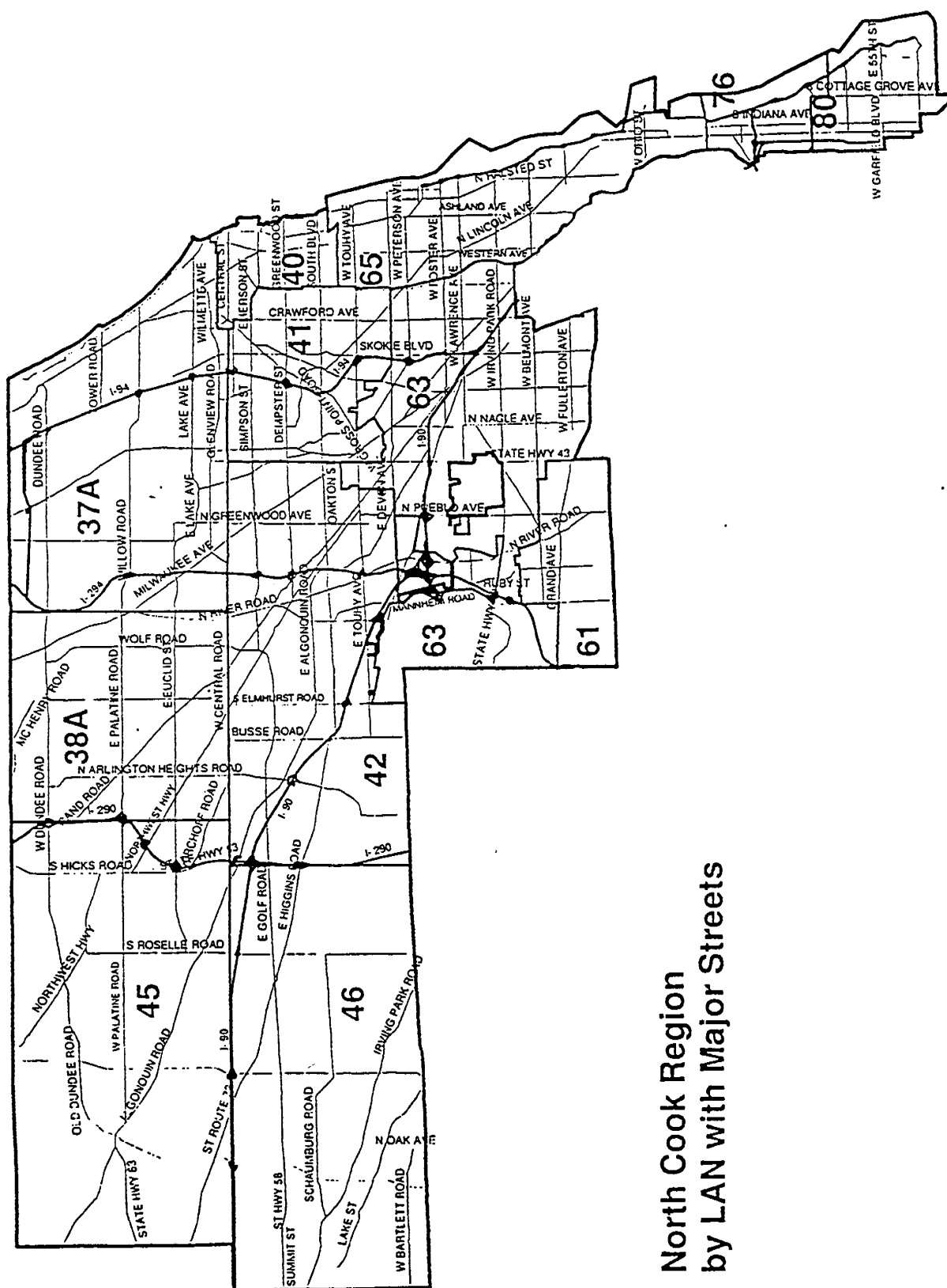
SOUTHERN REGION

Child & Adolescent Local Area Networks





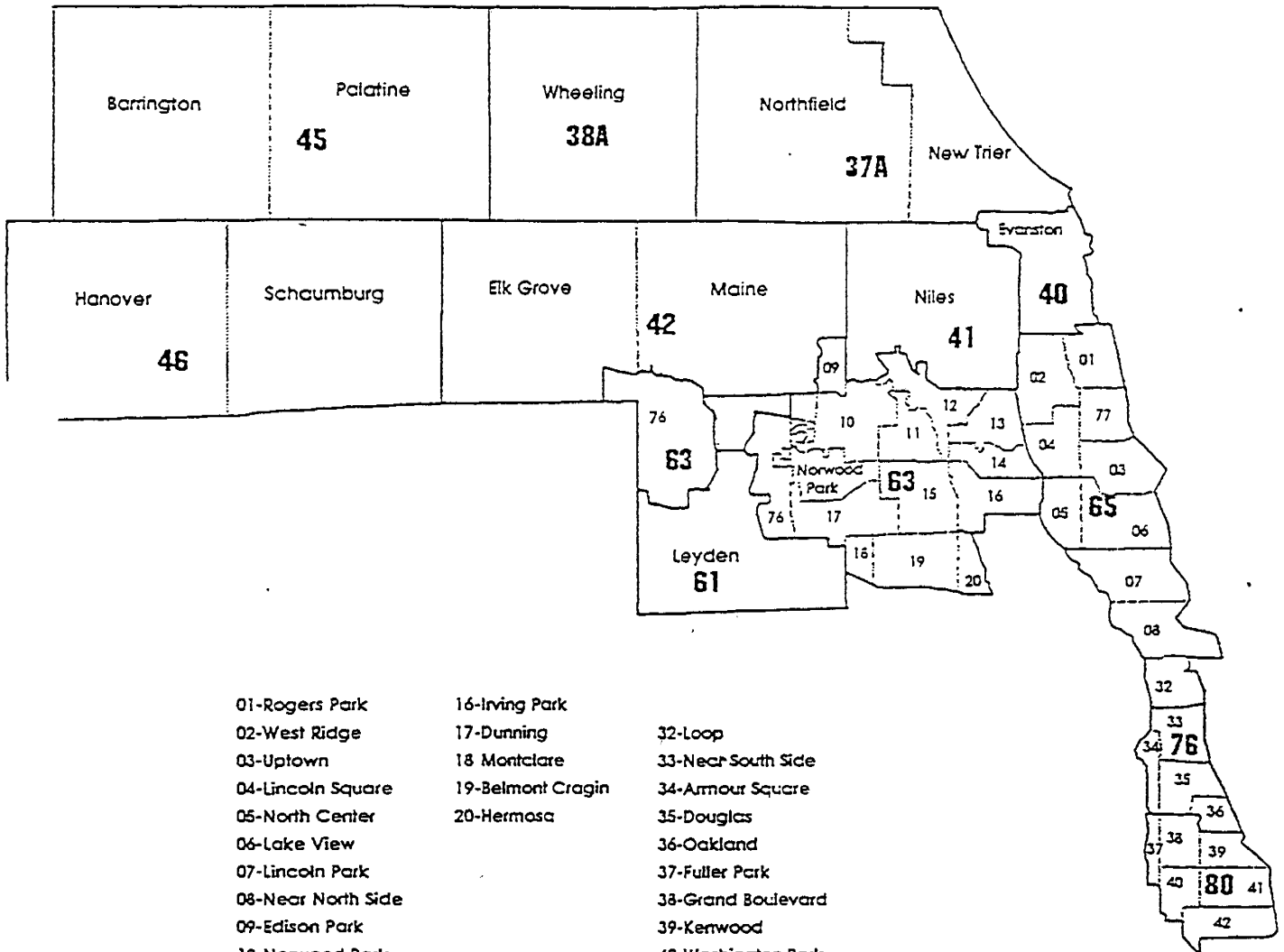
Cook County Regions
by LANS with Geographical
Boundaries

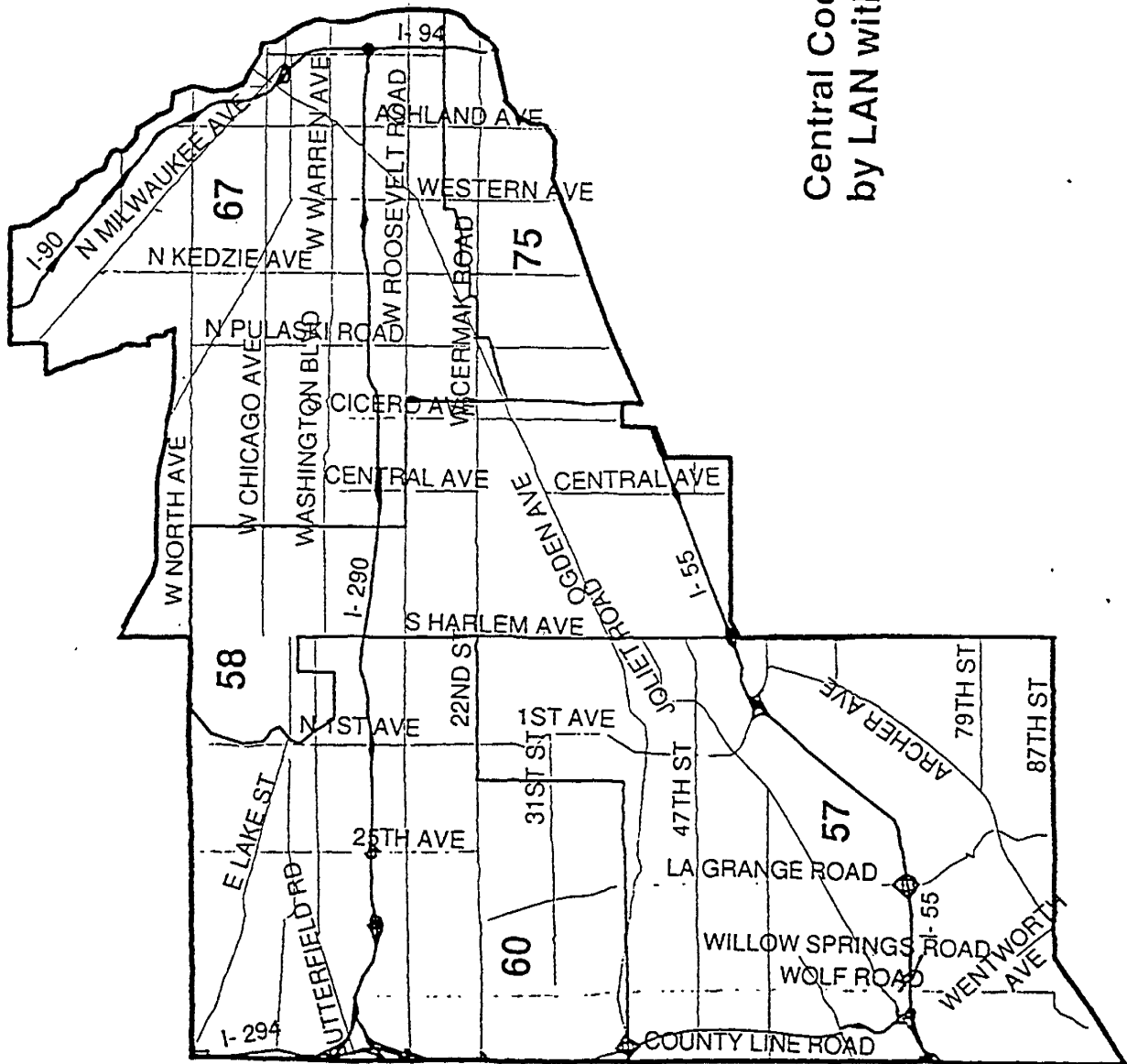


COOK NORTH

Child & Adolescent Local Area Networks

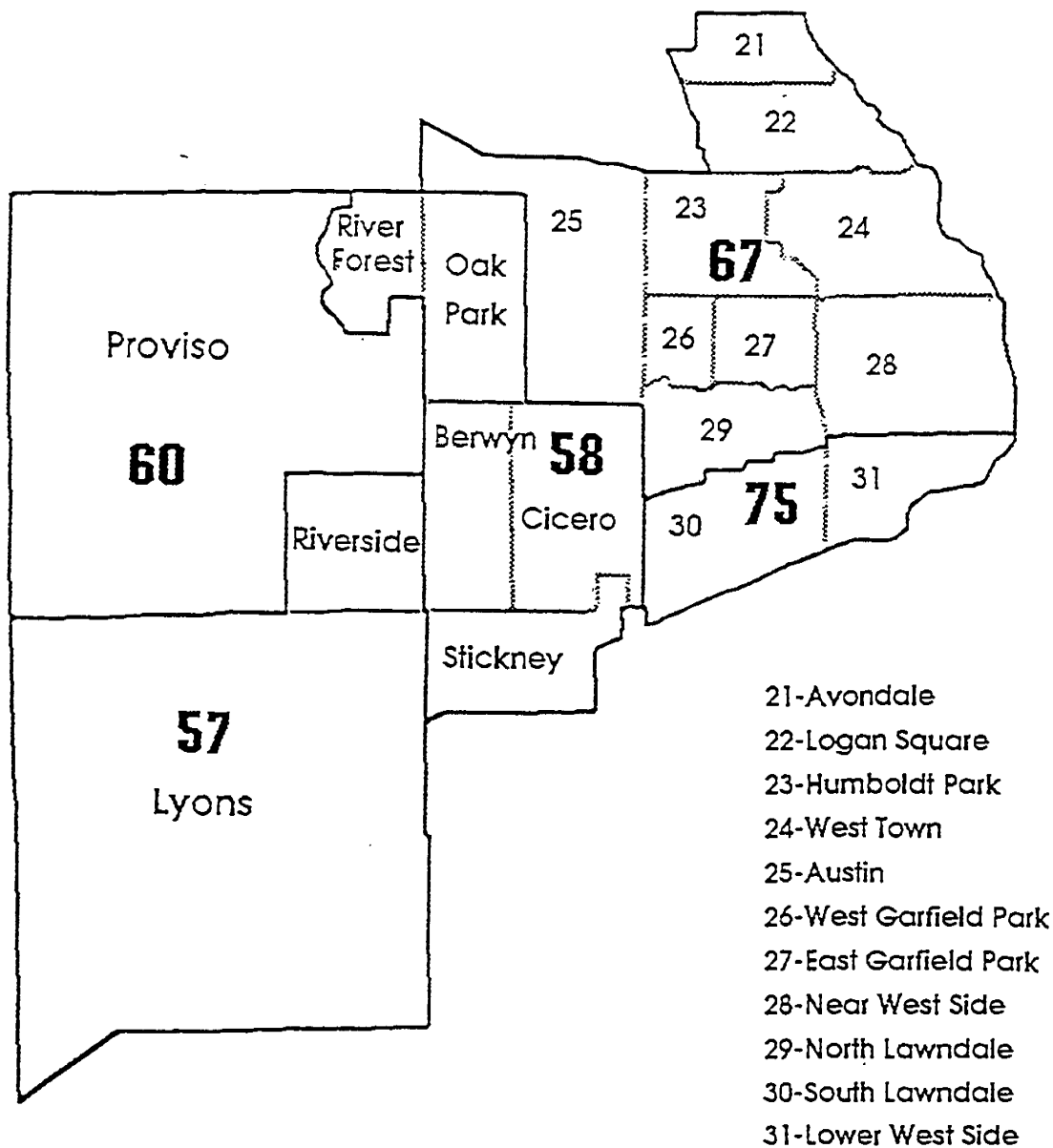
(Includes Township & Community Area Data)





Central Cook Region
by LAN with Major Streets

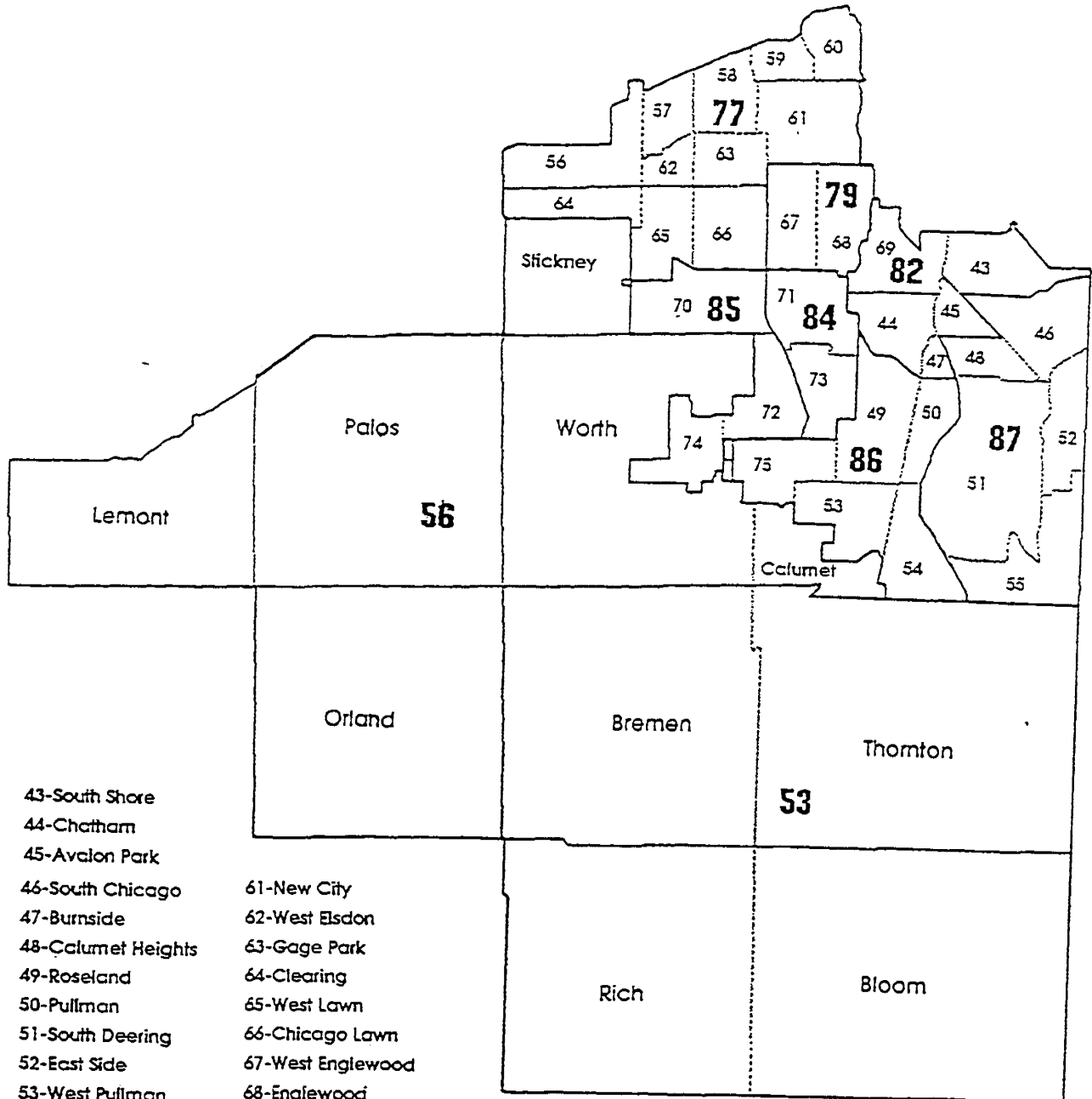
COOK CENTRAL
Child & Adolescent Local Area Networks
(Includes Township & Community Area Data)



COOK SOUTH

Child & Adolescent Local Area Networks

(Includes Township & Community Area Data)



Chapter 2.0

Hours and Work Schedules

- 2.1 Daily Time
- 2.2 Work Schedules
- 2.3 Vacation
- 2.4 Sick Time
- 2.5 Personal Business Time
- 2.6 Overtime
- 2.7 Holidays
- 2.8 Inclement Weather

2.1 Daily Time

A. Attendance

Each full-time employee is accountable for a 37.5 hour work week, and, unless prior approval has been granted for “Flextime,” a 7.5 hour workday. See Section 3.4 for more specific information.

Attendance for employees is maintained by the use of two (2) forms, the Daily Staff Attendance Report (CFS 725A) (attachment 2.1a) and the Employee Request Form For Use Of Benefit Time (CFS-728) (attachment 2.1b). The Daily Staff Attendance Report is used by employees to note their arrival/departure times on a daily basis. On days in which an employee has scheduled time off, his/her absence must be reflected on this daily time sheet. On a daily/weekly basis, designated time-keepers record employees’ attendance and submit these records to the Department’s payroll office prior to the end of each pay period. This daily time record is also monitored by employees’ supervisors to assure that each employee is meeting the minimum daily/weekly time requirements.

Employees must submit an Employee Request Form to correspond with the absence noted on the daily time sheet.

Each employee must record his/her attendance accurately. Failure to do so may indicate an employee’s attempt to falsify records, which can result in progressive and corrective disciplinary measures, up to and including discharge.

B. Tardiness and Absenteeism

Tardiness and absenteeism are poor work habits that can place unnecessary burdens on fellow workers and affect your work record. If you are sick and unable to report to work, or are going to be late for work, you must contact the supervisor (or authorized designee) no later than one hour after the start of your shift assignment unless emergency circumstances prevent you from calling in. For S.C.R. employees on the 1st and 7th shifts, you must contact the supervisor (or authorized designee) no later than two hours prior to the start of your shift assignment unless emergency circumstances prevent you from calling in. Absences other than for emergency situations must be scheduled in advance with your supervisor. **Excessive tardiness and/or absenteeism may be cause for disciplinary action up to and including discharge.**

2.1 Daily Time (cont'd)C. Dock Time

Subject to the provisions of the Personnel Rules and the collective bargaining agreements entered into by DCFS, dock time (i.e., time which will not be paid) can be initiated by management for the following: repeated tardiness, unauthorized absence and/or disciplinary suspension.

DAILY STAFF ATTENDANCE REPORT

[illegible]

DCFS

Illinois Department of Children And Family Services

Attachment 2.1b

EMPLOYEE REQUEST FORM FOR USE OF BENEFIT TIME

EMPLOYEE NAME: _____

| TYPE OF TIME OFF | FROM: | TO: | TOTAL TIME OFF | COMMENTS |
|------------------|---|---|--------------------------------|----------|
| | ____/____/____ - ____:____ MO DA YR HR MIN | ____/____/____ - ____:____ MO DA YR HR MIN | ____ - ____:____ DAYS HOURS | |
| | ____/____/____ - ____:____ MO DA YR HR MIN | ____/____/____ - ____:____ MO DA YR HR MIN | ____ - ____:____ DAYS HOURS | |
| | ____/____/____ - ____:____ MO DA YR HR MIN | ____/____/____ - ____:____ MO DA YR HR MIN | ____ - ____:____ DAYS HOURS | |

TYPE OF TIME OFF:

| | |
|-------------------------------|---|
| SI = Sick Personal | SC = Service Connected Injury (W.C. claim must be filed) |
| SA = Sick Appointment | |
| SF = Sick Family | |
| VA = Vacation | SV = Veterans Hospital Appt. |
| PD = Personal Business | ML = Military Leave |
| OC = Accumulated Overtime | UP = Union Business – paid |
| HO = Accumulated Holiday | UB = Union Business – non paid |
| EA = Excused Absence (no pay) | JU = Jury Duty (attach summons) |
| | UM = Upward Mobility Program |

Following is a list of the increments in which benefit time may be used:

| | |
|----------------------|--|
| Vacation Time | - One (1) hour, half day* or whole day increments (Half hour increments can be used after the first hour has been used.) |
| Sick Time | - One (1) hour, half day* or whole day increments (Half hour increments can be used after the first hour has been used.) |
| Personal Time | - One (1) hour, half day* or whole day increments (Half hour increments can be used after the first hour has been used.) |
| Comp Time | - May be used in increments earned, no less than 30 minute increments. |
| Holiday Time | - One (1) hour, half day* or whole day increments (Half hour increments can be used after the first hour has been used.) |

* Half days may be either - 3:30, 3:45 or 4:00

Please note: These rules are not flexible and apply to all employees.

Employee Signature

Date

Supervisor's Signature

Date

DISTRIBUTION: white – timesheet

yellow – employee

pink – supervisor

Reconciled with Timesheet _____

Approved ☐ Disapproved ☐VACATION DENIALS: ☐ 1 ☐ 2 ☐ 3

2.2 Work Schedules

The basic work schedule for DCFS employees is 8:30 a.m. - 5:00 p.m., 7.5 hours/day with one (1) hour unpaid lunch period, Monday through Friday, totaling 37.5 hours per work week. Flexible work schedules may be requested through your supervisor. Approval of any flex/alternate work schedule will be contingent upon operating needs of the agency. Such schedules may include requests for:

- Flex-Time
- Four-Day Work Schedule
- Nine-Day Work Schedule
- Job-Share
- Part-Time
- Adjusted Work Schedule

All flex/alternative work schedules are to be discussed at the time of the annual evaluation to determine the continued need for the schedule and how it may be impacting job performance. Flex/alternative work schedules become invalid anytime an employee transfers to a different position. Management has the right to approve a flex/alternative work schedule request for a limited period of time based on operating needs of the agency.

To request a Flex-Time Schedule, Four-Day Work Schedule or Nine-Day Work Schedule, employees must complete the attached Employee Flextime Request (CFS 726) (attachment 2.2a) and forward it to their immediate supervisor. Change in work schedules shall not take effect until approved through all levels.

Shift Preference

Employees working in units with shifts at Regions, Central Office, Production Control Unit, State Central Register, ERC, CLSU, and DCP investigative teams in Cook County, may exercise a shift preference once a year based on seniority. The exercise of shift preference applies only to employees working within in an affected unit in accordance with the Supplemental Agreement between AFSCME and the Department.



Employee Flextime Request

Read this information first

Flextime allows our employees to select working hours that best suit their needs. The availability of flextime is based on the department's operational needs. Flextime hours must be mutually agreed upon by the employee and his or her supervisor.

Before the request can be considered, the employee must complete Part 1 of this form and his or her immediate supervisor must complete Part 2.

The immediate supervisor will then route the request through the Administrator/Manager, Deputy Director, and Labor Relations.

This request becomes invalid when the employee transfers to another area of the Department.

Part 1: Tell us why you are requesting flextime. *(Print or type the following information).*

The employee is to complete this part.

1. Check the type of request you are filing.

- ☐ new request
☐ change
☐ return to regular shift

2. _____
Name (first and last)

3. - - -
Social Security Number

4. Area of Employment.

Region / Division

Section

Work location

() -

Work phone #

5. What are your regular shift hours?

Start time _____ End time _____

a. Current flex hours if applicable.

Start time _____ End time _____

6. What type of schedule are you requesting?

Mark a, b, or c.

a. ☐ **Flextime**

Start time _____ End time _____

b. ☐ **Four-day work schedule**
Requested work schedule (3 days at 9 hrs. 30 mins. work time and 1 day at 9 hrs. work time).

1st work day _____
Start time _____ End time _____

2nd work day _____
Start time _____ End time _____

3rd work day _____
Start time _____ End time _____

4th work day _____
Start time _____ End time _____

Requested off day: _____

c. ☐ **Nine-day work schedule**
Requested work hours:

- ☐ 7:30 a.m. to 5:00 p.m.
☐ 8:00 a.m. to 5:30 p.m.
☐ 8:30 a.m. to 6:00 p.m.

_____ Requested day of the
week to alternate as short day and day off.
(Normal work hours will be reduced by one
and one-half hours on the alternate work-
week short day).



Employee Flextime Request

7. Tell us why you need flextime. Be specific.
Attach additional sheets if necessary.

Part 2: Answer the following questions

The immediate supervisor is to complete this part.

8. Read and sign below.

I understand that:

- ☛ this request may be denied due to the Department's operational needs.
- ☛ if approved, the schedule I have requested will be effective until it is officially changed.
- ☛ if I want to return to the regular shift schedule or change to a different flextime schedule, I must request that the change occur at the beginning of a pay period and that the change must be applied for and approved at least five (5) work days in advance of the effective date.
- ☛ if approved, the schedule requested will be come effective on either the 1st or 16th of the month

I also understand that if my request is approved, I agree to:

- ☛ account daily, if required, for all work produced during any flextime period in which my immediate supervisor is not present.
- ☛ discuss at the time of my annual evaluation, my continued need for flextime as well as any impact upon my job performance as a result of those flex hours.
- ☛ have my flextime terminated at any time that it is found to adversely impact my performance or the department's operational needs.
- ☛ **Note:** Management within DCP, Operations, and POS/Licensing approved for four-day and nine-day work schedules will be required to resubmit requests annually.

1. Will a supervisor from the functional area be on duty during employee's requested flextime hours? ☐ Yes ☐ No
If "no," please explain.

2. Will you be able to effectively monitor the quality and quantity of work produced by the employee during the requested flextime hours? ☐ Yes ☐ No
If "no," please explain.

3. Can all public contact or intra-agency communication responsibilities of the employee be successfully conducted during the requested flextime hours? ☐ Yes ☐ No
If "no," please explain.

4. Can you state with reasonable assurance that the operating needs of your area will not be adversely affected by the employee's flextime? ☐ Yes ☐ No
If "no," please explain.

5. As the employee's supervisor, I
☐ approve ☐ deny this request.

Employee's signature

Date

Immediate supervisor's signature

Date



Employee Flextime Request

Part 3: Complete the authorization. *(Approve/Deny and sign the following information).*

The employee's Administrator/Manager, and Deputy Director are to complete this part

1. As Administrator/Manager, I ☐ approve ☐ deny this request for flextime.

Signature

Date

If you deny the request, please explain.

2. As Deputy Director, I ☐ approve ☐ deny this request for flextime.
(If applicable)

Signature

Date

If you deny the request, please explain.

Please forward to: **Labor Relations Administrator
Office of Employee Services
406 East Monroe, Station 373
Springfield, IL 62701**

3. As Labor Relations Administrator, I ☐ approve ☐ deny this request for flextime.

Signature

Date

If you deny the request, please explain.

Effective Date: _____

2.3 Vacation

A. Accumulation

Full-time employees earn vacation days at a rate based upon their length of continuous service. Employees must be in pay status at least one-half of the work days in a month to earn vacation for that month. Vacation earned in one month cannot be used until the first day of the following month.

When an employee has had a break in continuous service, previous service is counted as continuous with current service upon the employee's documented, written request. Employees earn vacation time in accordance with the following schedule:

- 1) From the day of hire until the completion of 5 years of continuous service: 10 workdays per year.
- 2) From the completion of 5 years of continuous service until the completion of 9 years of continuous service: 15 workdays per year.
- 3) From the completion of 9 years of continuous service until the completion of 14 years of continuous service: 17 workdays per year.
- 4) From the completion of 14 years of continuous service until the completion of 19 years of continuous service: 20 workdays per year.
- 5) From the completion of 19 years of continuous service until the completion of 25 years of continuous service: 22 workdays per year.
- 6) Upon the completion of 25 years of continuous service: 25 workdays per year.

Part-time employees earn vacation on a prorated basis determined by a fraction based on the ratio of the hours actually worked to the total number of working hours in a year.

Employees can accumulate unused vacation time; however, vacation time that is not used within 24 months of the calendar year in which it is earned will be forfeited.

2.3 Vacation (cont'd.)

B. Use

Vacation time can be taken in increments of not less than one-half ($\frac{1}{2}$) day at a time, but cannot be taken before it is earned. Supervisors may however, grant employee requests to use vacation time in increments of one-half ($\frac{1}{2}$) hour after a minimum use of one (1) hour.

Employees must request the use of vacation time in writing, using the Employee Request Form (CFS-728) (attachment 2.1b), reasonably in advance of the date(s) to be used. In approving use of vacation time, supervisors consider both your preference and the operating needs of the agency.

C. Contractual Obligation(s) - Scheduling

In accordance with current collective bargaining agreements, the supervisor must respond to vacation requests within five (5) workdays. Once a scheduled vacation is approved, it will be canceled only if the operating needs of the agency require that employee's services.

In accordance with the AFSCME Agreement, Article X, Section 6, and INA Agreement, Article XVI, Section 6, by January 31 of each calendar year employees may submit in writing to their supervisor their preferences for vacation, but an employee may not submit more than three (3) preferences. Requests for AFSCME covered employees may include vacation through the end of February of the following calendar year and for INA covered employees from April 1 through March 31 of the following calendar year. When a supervisor can approve some but not all vacation preferences, employees within the position classification will be granted their preferred vacation period on the basis of seniority.

Employees who file their preference by January 31 will be notified of the vacation schedules by March 1 of that calendar year.

D. Payment

Upon termination of employment, and provided the worker is not employed in another position in state service within four (4) calendar days, the worker is entitled to receive a lump sum payment for the equivalent value of vacation time earned but not taken, provided the employee has at least six (6) months of continuous service with the Department. Upon the death of a state employee, the lump sum is paid to the employee's estate or other person entitled to the payment under the Probate Act.

2.4 Sick Time

A. Accumulation

All employees, except those in emergency, intermittent, per diem or temporary status (unless such status is the result of accepting a non-permanent working assignment in another classification), accumulate sick leave at the rate of one (1) day for each month's service.

An employee with more than two (2) years of continuous service, whose personnel records warrant it, may be advanced up to ten (10) working days of paid sick leave with the written approval of the Director of Central Management Services. The advance will be charged against sick leave accumulated after the employee returns to service.

B. Use

Sick leave can be used in increments of no less than one (1) hour at a time for illness, disability or injury, appointments with a doctor, dentist or other professional medical practitioner and/or in the event of illness, disability, injury or death of a member of the employee's immediate family or household. Supervisors may however, grant employee requests to use sick leave in increments of one-half (1/2) hour after a minimum use of one (1) hour.

Sick time is only to be used for the purposes described in the above paragraph. Sick time cannot be used in lieu of vacation, personal, compensatory, or holiday time.

For purposes of definition, the "immediate family or household" shall be husband, wife, mother, father, brother, sister, children, grandchildren or any relative or person living in the employee's household for whom the employee has custodial responsibility or where such person is financially and emotionally dependent on the employee and where the presence of the employee is needed.

The term also includes adoptive, custodial and 'in-law' individuals when residing in the employee's household.

For attendance at funerals, the term "immediate family" also includes grandrelations and parent-and child-in-laws. This expansion of the term "immediate family" is for bereavement purposes only.

2.4 Sick Time (cont'd)

An employee must receive supervisory approval in order to use other accrued benefit time in lieu of sick time. When available sick time is exhausted, authorized dock for sick time may be granted when warranted.

If reasonable grounds exist to suspect abuse, a supervisor may request evidence of use of sick leave, which may be in the form of a written medical certification.

Employees shall request approval of the use of sick time on the Employee Request Form (CFS-728) (attachment 2.1b) reasonably in advance of the time it will be used, except in cases where this is not possible. Employees must notify their supervisor (or other designated person) within one (1) hour of the start of the scheduled workday; however, for long-term illnesses, an acceptable procedure, in lieu of calling in daily, can be arranged between the employee and the supervisor. Such procedure must be exercised only with the approval of an employee's supervisor on a case-by-case basis.

C. Payment

Upon termination of employment, and provided the worker is not employed in another position in state service within four (4) calendar days, the worker is entitled to receive a lump sum payment for the equivalent value of one-half of the sick days earned but not taken on or after January 1, 1984, and prior to January 1, 1998, provided the employee has at least six (6) months of continuous service. Upon the death of a state employee, the lump sum is paid to the employee's estate or other person entitled to the payment under the Probate Act.

D. Sick Leave Bank

A Sick Leave Bank has been established for the purpose of assisting employees who encounter catastrophic illness or injury. The Sick Leave Bank program is outlined in more detail in Section 4.9 of this handbook.

2.5 Personal Business Time

An employee is to use an Employee Request form (CFS-728) (Attachment 2.1b) when requesting such time off. All employees except those in emergency, per diem or temporary status, are permitted three (3) personal business days each calendar year. An employee hired during the calendar year will receive credit in the following manner:

| Starting Date | Amount of Personal Leave Time |
|--------------------------------|--------------------------------------|
| January 1 through February 1 | 22.50 hours |
| February 2 through April 1 | 18.75 hours |
| April 2 through June 1 | 15.00 hours |
| June 2 through August 1 | 11.25 hours |
| August 2 through October 1 | 7.50 hours |
| October 2 through December 1 | 3.75 hours |
| December 2 through December 31 | 0 hours |

A fourth (4th) personal business day will be awarded to an employee to use within a calendar year, if the employee has used no sick time within the previous calendar year.

Except for those emergency situations which preclude the making of prior arrangements, such days (or hours) off shall be scheduled sufficiently in advance to be consistent with operating needs of the Employer.

Personal business time does not accumulate from year to year. If it is not used during the year it is earned, personal business time is forfeited. In accordance with the INA Agreement, Article XVI, Section 16, any unused personal business time not requested by RC-23 employees as of November 15 of the current calendar year shall be forfeited.

Personal business time cannot be used in increments of less than two (2) hours and can be used for any personal reason. Supervisors may however, grant employee requests to use personal business time in increments of one-half (1/2) hour after a minimum use of one (1) hour. Personal business time can be used to extend a holiday or vacation only with prior written supervisory approval, except in an emergency.

An employee terminating his/her employment with the state does not receive payment for unused personal business time, unless the termination is due to death, disability or retirement. In these cases, the payment is equal to one-half (½) the employee's daily pay times the number of unused days.

2.6 Overtime

Overtime is limited to actual need in the Department when all other means of accomplishing a task have been exhausted.

Compensatory ("comp") time will be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the employer. Once comp time has been approved, the Department strongly encourages employees to schedule the liquidation of comp time prior to June 1 of the fiscal year during which it was earned. If comp time is not used within that fiscal year, it will be paid in cash at the end of the fiscal year. Notwithstanding the above, AFSCME RC-10, RC-14, RC-28, RC-62 and RC-63 employees who schedule approved comp time off by June 1st of the fiscal year shall be allowed to use such time through August 1st of the following fiscal year. The purpose of attempting to liquidate all comp time prior to June 1 is to reduce the outlay of monies which can become a significant financial burden on the Department.

For employees exempt from the Fair Labor Standards Act (i.e., Merit Compensation (MC), Salary Grade (SG), or those otherwise excluded from a collective bargaining agreement), eligibility for compensated overtime is limited to titles designated by the Director of Central Management Services in accordance with the CMS Pay Plan, Section 310.100 c) 2) Overtime Pay.

Employees who are subject to the Fair Labor Standards Act will be compensated by time off whenever possible, or in cash, at the appropriate rate, in accordance with the provisions of their respective collective bargaining agreements. Employees covered by the AFSCME or INA contracts should consult their respective bargaining agreements regarding overtime provisions applicable to their classifications. Overtime must be approved by the supervisor in advance before compensation will be authorized, except as otherwise provided in supplemental agreements. In order to earn overtime, employees must submit a completed Overtime or Compensatory Time Request Form (attachment 2.6a) to their supervisor. Questions can be referred to the Labor Relations Office, Office of Employee Services (217)785-2586.

DCFS**Illinois Department of Children
And Family Services****OVERTIME OR COMPENSATORY TIME REQUEST FORM**

Employee Name: _____

Date: _____

Time: From: _____ To: _____ Total Hours: _____

Reason:

Supervisor Name (print please)_____
Employee Signature_____
Date_____
Supervisor's Signature_____
Date**DISTRIBUTION:** white – timesheet yellow – employee pink – supervisor

Reconciled with Timesheet _____

Approved ☐Denied ☐

2.7 Holidays

DCFS, along with other state agencies, observes these holidays:

| | |
|--------------|----------------------------------|
| | New Year's Day |
| | Martin Luther King, Jr., Day |
| Lincoln's | Birthday |
| Washington's | Birthday |
| Memorial | Day |
| Independence | Day |
| Labor | Day |
| Columbus | Day |
| Veteran's | Day |
| | Thanksgiving Day & the day after |
| Christmas | Day |

Certain election days and other days proclaimed non-working days by the Governor of Illinois or President of the United States are also paid holidays.

Whenever an authorized holiday falls on Saturday, the preceding Friday will be observed as the holiday, and whenever an authorized holiday falls on a Sunday, the following Monday will be observed. When a holiday falls on an employee's regularly scheduled workday during the employee's vacation period, an extra day will be added to the employee's accrued vacation time.

An employee who is required to work on a holiday is granted cash payment or equivalent time off at the applicable rate in accordance with the Personnel Rules and/or collective bargaining agreements.

To be eligible for holiday pay, an employee must work the last scheduled workday before, and the first scheduled workday after, the holiday unless an exception has been approved by his/her supervisor.

2.8 Inclement Weather

When work sites are open but inclement weather prevents employees from reaching their work sites, employees must account for such absences by use of accrued time, such as accrued vacation, personal business days or accrued compensatory or holiday time. (See Inclement Weather Policy, attachment 2.8a)

When work sites are closed after the start of the workday by order of the Governor or Director of Central Management Services because of inclement weather, all employees will be released with pay for the balance of the workday/shift. When work sites are closed with notice prior to the beginning of a workday, time in non-work status as a result of the emergency shut down is with pay. An employee who had previously arranged to be absent on a day when a work site is closed will be charged for the amount of benefit time that had been scheduled to be taken; however, if an employee chooses to save vacation and thereby forfeit pay for the time lost due to inclement weather, they will be allowed to do so.

Sick leave cannot be used to cover absence due to inclement weather.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Distribution: B, D

POLICY GUIDE 87.3

SUBJECT: Employee Absence Due to Transportation Emergencies/
Inclement Weather

DATE: May 1, 1987

TO: All Staff

FROM: Gordon Johnson, Director

EFFECTIVE: Immediately

RULE/PROCEDURE: This Policy Guide does not relate to a specific rule or procedure, but provides instructions/information related to employee responsibility regarding absences from work and use of time due to transportation emergencies and inclement weather.

I. Purpose

The purpose of this Policy Guide (PG) is to make a correction at Section V by deleting the last paragraph and adding D. in lieu of. This PG informs staff of employee responsibility when a transportation emergency or inclement weather causes an unexpected absence from work.

II. Primary Users

This Policy Guide is applicable to all Department staff. Any questions should be directed to the Labor Relations Unit at (217) 785-1979, or where applicable, through the appropriate personnel coordinator.

III. Rescinded Material

Policy Guide 87.1 entitled "Employee Absences Due to Transportation Emergencies/Inclement Weather," dated March 1, 1987 is rescinded and replaced by this PG.

IV. Work Absences

It is the individual responsibility of all Department staff to account for an unscheduled absence from work by telephoning his/her supervisor within one (1) hour after the regularly scheduled work time. If a verifiable telephone "outage" occurs, the employee shall telephone his/her supervisor as soon as possible. This accountability includes the following situations:



- A. Shut down or stoppage of public transportation system, i.e., Regional Transit Authority, Chicago Transit Authority, or any other public transit system normally used.
- B. The occurrence of severe (inclement) weather (i.e., snow, ice, storms, etc.) that hampers/hinders the normal operation of business.

V. Use of Time

An employee who is unable to report to work at the regularly scheduled time due to a transportation emergency or inclement weather shall account for the absence by using one of the following options:

- A. Use accumulated benefit time - vacation, personal business, compensatory time, or accumulated Holiday. Vacation time may be used in no less than 2-hour increments and personal business in not less than 1-hour increments. (Sick time cannot be used for absences related to transportation emergencies or inclement weather). This applies to all Department staff.
- B. Choose to be on non-pay status rather than liquidate all accumulated benefit time.
- C. Use any benefit time previously scheduled prior to an emergency situation in accordance with previous arrangements.
- D. Labor Contract provisions regarding docking shall continue to apply.

VI. Filing Instructions

Policy Guide 87.1 is rescinded. Administrative and Supervisory staff should place this Policy Guide in the Employee Labor Relations Manual behind the subject category of Work Rules. Other staff shall maintain this Policy Guide in their files for use and reference as needed.

Chapter 3.0

Employee Conduct

- 3.1 DCFS Professional Conduct, State of Illinois Code of Personal Conduct, and Administrative Law Judge Code of Professional Conduct
- 3.2 DCFS Rules and Procedures
- 3.3 Court Attendance Policy
- 3.4 Daily Attendance
- 3.5 Weapons
- 3.6 Violence in the Workplace
- 3.7 Use of Intoxicants or Narcotics
- 3.8 Prohibited Political Activities
- 3.9 Conflict of Interest
- 3.10 Code of Ethics
- 3.11 Illinois Governmental Ethics Act
- 3.12 State Officials and Employees Ethics Act
- 3.13 Sexual Harassment
- 3.14 Confidentiality
- 3.15 Nepotism

Chapter 3.0

Employee Conduct, (cont'd)

3.16 Falsification of Records

3.17 Appropriate Attire

3.18 Use of State Telephones

3.19 Use of State Electronic System/Equipment

3.20 Smoking

3.21 Photo Identification Cards

3.22 Licensure of Direct Child Welfare Services Employees
and Supervisors

3.1 A. DCFS Professional Conduct

Employees of the Department are in positions of public trust and are expected to refrain from conduct which could affect adversely the confidences of the public in the integrity of the Department of Children and Family Services. Employees are expected to conduct themselves in a responsible professional manner in all work situations, whether dealing with clients, co-workers or the general public. The “just cause” provisions of the Personnel Rules and the appropriate collective bargaining agreements shall apply to all provisions enumerated below when the employer alleges violations by employees. Examples of unprofessional conduct include but are not limited to the following:

- Employees shall not participate in or condone fraud, dishonesty, or misrepresentation in their performance of duties or in the description of professional credentials.
- Employees shall testify truthfully and completely in court proceedings, in accordance with the Department’s position and/or investigation findings.
- Employees shall not obstruct any official investigation.
- Employees shall refrain from socializing with their clients, their clients’ family members or close associates, and foster parents with whom the employees have a working relationship, except when it is part of the normal performance of their duties.
- Employees shall not engage in romantic or sexual relationships with any clients. Employees may not engage in such relationships until two (2) years following termination of client status or two (2) years after a former client reaches age 21, whichever is later.
- Supervisors and up the chain of command shall not engage in romantic or sexual relationships with subordinates.
- Employees shall refrain from any activity that would be considered a dereliction of duty, including but not limited to: absence without leave, abuse of leave, negligent performance of assigned duties, inattention of duty or neglect of responsibilities.
- Employees shall show respect for cultural styles and values of different groups and individuals within those groups.

3.1 A. DCFS Professional Conduct (cont'd)

- Employees shall respect the rights of foster parents as described in Rules 340, Foster Parent Code.
- Employees shall not use vulgar or profane language in the work place in such a manner that is disruptive and/or directed toward another co-worker, client or provider.
- Employees shall refrain from behavior which is disruptive to operations and/or the work environment.
- Employees shall never conduct business for profit with, or accept or solicit anything from clients, clients' close associates or relatives or from anyone who has or expects to have business dealings with the Department or entities over whom they have decision-making authority, except as otherwise provided in the State Officials and Employees Ethics Act (see Section 3.12, attachment 3.12a).
- Employees shall not conduct any outside business for profit on state property or during work time. For example, employees are prohibited from canvassing for sales, taking orders or selling any article (including but not limited to food, kitchenware or other home furnishings, paper products, or cosmetic products) in person or by distributing or posting literature, advertising matter or any other graphic matter in or on state-owned or occupied property or while otherwise engaged in state business.
- Employees may solicit donations from or sell merchandise to fellow employees for recognized charitable organizations and local fundraising efforts during break times and only in break rooms. However, supervisors should never solicit such donations or purchases from their subordinates.
- Employees shall provide clients with all available accurate and complete information regarding the extent and nature of Department services available to them.
- Employees are expected to practice good personal hygiene before arriving at the work site.

3.1 A. DCFS Professional Conduct (cont'd)

- Employees shall not knowingly violate any federal, state, or local law or other improper conduct of which they are aware in the course of their duties. Employees should report to appropriate personnel any first-hand knowledge of violations of laws, rules, regulations or policies or other improper conduct of which they are aware in the course of their duties.
- Employees shall cooperate with the Office of the Inspector General of the Department, Office of Executive Inspector General, or any other investigative entity, in investigations authorized by the Children and Family Services Act, 20 ILCS 505/35.5. Additional information is addressed in DCFS Rules and Procedures 430, Office of the Inspector General.
- Off-Duty Conduct: Employee conduct occurring off duty may subject the employee to discipline up to and including discharge when the conduct raises reasonable doubt concerning the employee's suitability for continued state employment in the present assignment or position, or which adversely affects the confidence of the public in the integrity of the Department of Children and Family Services. Such conduct may include, but is not limited to: acts of fraud, domestic violence; interpersonal violence; sexual abuse; child or elder abuse; and child or elder neglect, which raise reasonable doubt concerning the employee's suitability for continued state employment.
- Employees shall not use state-issued credit cards for personal expenses.
- Employees shall not use excessive or inappropriate force against a child including, but not limited to, slapping, pulling, grabbing, or any other excessive or inappropriate touching or physical contact.
- Employees must immediately refer media inquiries to the Office of Communications at 312/814-6847 consistent with Procedures 331, Unusual Incidents; and Administrative Procedures # 16, Staff Safety.
- Employees shall not refuse to accept or avoid accepting a job-related subpoena. Refer to Procedures 431, Appendix A for guidance.
- The theft or attempted theft of State property or property of individuals is cause for disciplinary action, up to and including discharge.

3.1 A. DCFS Professional Conduct (cont'd)

- Employees shall notify the Office of Executive Inspector General of any abuse of state property, equipment, or any political action on state property. The Office of Executive Inspector General's telephone number is 866-814-1113.
- Use of devices including but not limited to, motion detectors, shall not be used without prior approval from Management.
- Employees shall immediately notify their supervisor of any arrest and/or conviction of any criminal offense other than a minor traffic violation.

3.1 B. State of Illinois Code of Personal Conduct

In addition to the DCFS Professional Conduct policy addressed in Section 3.1 A. above, the State of Illinois has a Code of Personal Conduct developed by Central Management Services, on behalf of the Governor, pursuant to Section IV of Executive Order 2016-04, and filed with the Executive Ethics Commission pursuant to Section 5-5(b) of the State Officials and Employees Ethics Act (5 ILCS 430) (**Ethics Act**).

This Code applies to all officers, employees (including without limitation full-time, part-time, and contractual employees), appointees (including without limitation paid and unpaid appointees), and persons holding similar positions (**State Employees**) in any office, department, agency, board, commission, or authority of the Executive Branch of the State of Illinois under the jurisdiction of the Governor for the purposes of Section 20-10(c) of the Ethics Act (**State Agencies**).

More detailed policies and procedures that apply to all State Employees or certain groups of State Employees are set forth in other documents. While these other policies are not part of this Code, each State Employee covered by this Code is expected to conduct himself or herself consistently with this Code and all other applicable policies, laws, and regulations. Nothing in this Code prohibits any State Agency from adopting or maintaining policies or rules of personal conduct that are more restrictive than those set forth in this Code, as long as such policies or rules comply with applicable law and the requirements of any collective bargaining agreement. To the extent any State Agency policy conflicts with this Code, the more restrictive policy shall control.

3.1 B. State of Illinois Code of Personal Conduct (cont'd)

State Employee conduct in violation of this Code may result in discipline, up to and including discharge. The principles of just cause shall apply to the extent required by law or any collective bargaining agreement. In addition to any discipline imposed by a State Agency, any State Employee who knowingly violates this Code, with the intent to defraud the State of Illinois, is in violation of the Ethics Act and will be subject to disciplinary action under the Ethics Act as set forth without limitation in Sections 20-15, 20-20, 20-50, 20-55, 50-5 and 50-10 of the Ethics Act and Title 2, Sections 1620.1100 and 1620.1110 of the Illinois Administrative Code.

This Code becomes effective July 1, 2016 and is attached (attachment 3.1a).

3.1 C. State of Illinois Administrative Law Judge Code of Professional Conduct

Pursuant to Executive Order 2016-06, the Department of Central Management Services Bureau of Administrative Hearings (the “Bureau”) is proud to announce the creation of the Code of Conduct for Administrative Law Judges in Illinois (the “Code”). The Code seeks to provide guidance to assist our Illinois administrative law judges in maintaining high standards of judicial and personal conduct as they hear and decide cases on important public matters. The terms “administrative law judge” or “ALJ” are intended to refer to all administrative adjudicators within this State, regardless of their job title.

Prior to the Code, ALJs were not subject to a single uniform code of conduct. Like all State employees, their conduct is subject to mandates of the Illinois Governmental Ethics Act, the State Officials and Employees Ethics Act, the State of Illinois Code of Personal Conduct created on behalf of the Governor pursuant to Section IV of Executive Order 2016-04, and any agency-specific personnel rules. If lawyers, conduct is governed by the Illinois Supreme Court Rules of Professional Conduct. However, these laws do not specifically address the unique ethical dilemmas that confront ALJs. The Code supplies minimum standards for ALJs statewide. In promulgating the Code, the Bureau hopes to equip our ALJs with a valuable tool to service the public and to strengthen the public’s faith in agency decisions and the hearing process as a whole.

The Code is based in part upon the American Bar Association’s Model Code of Judicial Conduct for State Administrative Law Judges (2016 Draft Version) and the National Association of Administrative Law Judiciary’s Model Code of Judicial Conduct for State Administrative Law Judges (adopted November 1993). The text of the rules under the canons is intended to be authoritative and enforceable. The commentary, by explanation and example, provides guidance with respect to the purpose and meaning of the rules. The commentary is not intended as a statement of additional rules. The

State of Illinois

Code of Personal Conduct

Updated 12.15.2017



Introduction

Employees of the State of Illinois are a team of public servants working on behalf of the people of Illinois. State employees perform critical services upon which our residents and businesses depend. State employees are entrusted to make important decisions and carry out responsibilities that affect the future of our communities.

The purpose of this Code of Personal Conduct (**Code**) is to:

- Ensure that State employees are conducting the business of the State in an honest and respectful manner.
- Promote accountability to the taxpayers and the people of Illinois.
- Promote honest and ethical conduct and fair dealing.
- Promote compliance with applicable laws, policies, rules, and regulations.
- Deter wrongdoing.

Authority and Applicability

This Code was prepared by the Department of Central Management Services, on behalf of the Governor, pursuant to Section IV of Executive Order 2016-04, and filed with the Executive Ethics Commission pursuant to Section 5-5(b) of the State Officials and Employees Ethics Act (5 ILCS 430) (**Ethics Act**).

This Code applies to all officers, employees (including without limitation full-time, part-time, and contractual employees), appointees (including without limitation paid and unpaid appointees), and persons holding similar positions (**State Employees**) in any office, department, agency, board, commission, or authority of the Executive Branch of the State of Illinois under the jurisdiction of the Governor for the purposes of Section 20-10(c) of the Ethics Act (**State Agencies**).

More detailed policies and procedures that apply to all State Employees or certain groups of State Employees are set forth in other documents. While these other policies are not part of this Code, each State Employee covered by this Code is expected to conduct himself or herself consistently with this Code and all other applicable policies, laws, and regulations. Nothing in this Code prohibits any State Agency from adopting or maintaining policies or rules of personal conduct that are more restrictive than those set forth in this Code, as long as such policies or rules comply with applicable law and the requirements of any collective bargaining agreement. To the extent any State Agency policy conflicts with this Code, the more restrictive policy will control.

State Employee conduct in violation of this Code may result in discipline, up to and including discharge. The principles of just cause shall apply to the extent required by law or any collective bargaining agreement. In addition to any discipline imposed by a State Agency, any State Employee who knowingly violates this Code, with the intent to defraud the State of Illinois, is in violation of the Ethics Act and will be subject to disciplinary action under the Ethics Act as set forth without limitation in Sections 20-15, 20-20, 20-50, 20-55, 50-5 and 50-10 of the Ethics Act and Title 2, Sections 1620.1100 and 1620.1110 of the Illinois Administrative Code.

This Code does not, and may not be interpreted to, create any rights for any person or entity other than the State of Illinois, the State Agencies, the Executive Ethics Commission, and the Office of Executive Inspector General for the Agencies of the Illinois Governor. Nothing in this Code may be construed as altering the employment relationship between the State of Illinois and any State Employee. Application of progressive discipline pursuant to this Code to State Employees who serve at-will is discretionary and does not affect the at-will status of any such State Employee. State Employees in supervisory positions or in positions with the ability to recommend employee discipline will comply with applicable law and collective bargaining agreements when imposing discipline pursuant to this Code.

This Code is effective as of July 1, 2016. Copies of this Code will be made available to all State Agencies and publicly posted on the Team Illinois website (<http://team.illinois.gov>). The Department of Central Management Services will provide training to all State Agencies regarding the implementation of this Code.

The Department of Central Management Services has the ability to amend or supplement this Code with the approval of the Office of the Governor. Any amendment of, or supplement to, this Code will be filed with the Executive Ethics Commission and made publicly available by the Department of Central Management Services, including through posting on the Team Illinois website (<http://team.illinois.gov>).

Principles of Public Service

While serving in his or her official capacity, each State Employee has a responsibility to the people of the State of Illinois to act with integrity and to treat the people we serve, our colleagues, and other parties with dignity and respect. State Employees hold a position of public trust and are expected to conduct themselves in a responsible and professional manner.

The following principles apply to every State Employee and form the basis for the standards contained in this Code. When a situation is not covered by the standards set forth in this Code or in other applicable policies, laws, or regulations, State Employees will apply the principles set forth in this section in determining whether their conduct is proper.

Public service is a public trust, not to be abused for private gain.

- Except as permitted by applicable law (including but not limited to the Ethics Act and Executive Order 15-09), State Employees may not solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the State Employee's State Agency or whose interests may be substantially affected by the performance or nonperformance of the State Employee's duties.
- State Employees may not use public employment or access to nonpublic State information for private gain.

- State Employees may not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with their official State duties and responsibilities.
- State employees must take appropriate action to identify, disclose, and avoid potential conflicts of interest with the performance of their official duties.

Public service requires honest and impartial performance.

- State Employees must put forth honest effort in the performance of their duties.
- State Employees may not give improper preferential treatment to any private organization or individual.

Public servants protect taxpayer resources.

- State Employees may not knowingly make unauthorized commitments or promises of any kind purporting to bind the State of Illinois.
- State Employees must protect and conserve State property and not use it for other than authorized activities.
- State Employees must disclose waste, fraud, abuse, and corruption to the appropriate authorities.

Public servants are good citizens.

- State Employees should avoid any action that creates the appearance of a violation of the law or the ethical standards set forth in this Code.
- State Employees must satisfy in good faith all personal financial obligations to the State and comply with all requirements of all governmental taxing authorities.

Public Service must be an equal opportunity for all.

- State Employees must adhere to all laws and regulations that provide equal opportunity for all.
- There must be no unlawful discrimination, harassment, intimidation or retaliation in any employment practice based on race, color, national origin, religion, age, sex, marital status, disability, ancestry, sexual orientation, military service, political affiliation, or any other protected status or non-merit based factor.

Specific Instances of Unethical Conduct

This section sets forth specific ethical standards for all State Employees. Violations of these standards are subject to discipline up to and including discharge. This section is applicable to all State Employees when on State-compensated time (other than vacation, personal, or compensatory time off, as defined in the Ethics Act), on State property, or carrying out the State Employee's official duties, or when there is a nexus between the State Employee's off-duty conduct and his or her official duties. As noted above, this Code does not preclude a State Agency from maintaining or establishing additional rules of personal conduct consistent with this Code, applicable law, and the requirements of any collective bargaining

agreement. To the extent any State Agency policy conflicts with this Code, the more restrictive policy will control.

Insubordination: A State Employee (a) must execute the lawful instructions, whether oral or written, of a supervisor or member of management having authority over the State Employee, (b) may not be disrespectful in his or her conduct and communication, whether oral or written, directed toward a supervisor or member of management, and (c) will comply with State and State Agency policy as directed.

Disruptive Conduct: A State Employee may not (a) engage in disruptive conduct or activities or horseplay that interrupts work or impedes the work of others, or (b) use abusive or offensive language, gestures, or similar conduct.

Unsatisfactory Work Performance: While on duty, a State Employee should dedicate his or her efforts to the performance of assigned work and other job responsibilities. A State Employee (a) will perform all work duties assigned to him or her, (b) will not perform any work duties in a negligent manner that results in a material delay or material financial loss to the State, and (c) will not engage in willful idleness while on the job.

Breach of Confidentiality: A State Employee will take reasonable measures to protect confidential information in his or her possession. A State Employee may not knowingly (a) fail to safeguard confidential information, (b) take actions which result in a breach of confidential information, or (c) violate confidentiality requirements inherent to the State Employee's position or his or her State Agency's mission.

Stealing: A State Employee may not steal or attempt to steal, with the intent to deprive, the property of another individual or entity or collude with another person to commit such acts.

Misuse or Abuse of State Property: Except for *de minimis* personal use, a State Employee will use State property for official purposes and not for personal benefit or political gain. When entrusted with safeguarding State property, a State Employee may not (a) intentionally lose or damage such State property, or (b) knowingly and willfully use or authorize the use of a State vehicle for an other-than-official purpose.

Conduct Unbecoming of a State Employee: A State Employee will conduct himself or herself (a) with integrity and in a manner that reflects favorably upon the State, (b) in compliance with all laws, policies, orders, and procedures that prohibit the solicitation or acceptance of any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the State Employee's State Agency or whose interests may be substantially affected by the performance or nonperformance of the State Employee's duties, and (c) in accordance with the State Officials and Employees Ethics Act (5 ILCS 430) and the Illinois Governmental Ethics Act (5 ILCS 420).

Conduct Unbecoming of a Supervisor: A State Employee in a position with supervisory authority may not (a) intentionally, negligently, or recklessly commit any illegal act or violation of State or State Agency disciplinary rules or code of conduct, (b) order State Employees to perform a task for other than an official purpose, or (c) exploit supervisory authority for personal gain or personal profit.

Threatening Words or Actions: A State Employee may not threaten or attempt to inflict bodily harm on another individual, unless otherwise authorized by State or State Agency policy or procedure.

A State Employee who witnesses, is a victim of, or becomes aware of any threatening words or actions must immediately report the incident to his or her supervisor or to the appropriate law enforcement entity in accordance with Executive Order 2016-04. Subject to applicable law and any contrary instructions by law enforcement, the State Employee will be required to submit a written statement regarding the incident.

Fighting: A State Employee may not hit or push another person or have hostile or unwelcomed contact with another person, unless otherwise authorized by State or State Agency policy or procedure.

A State Employee who witnesses, is a victim of, or becomes aware of any fighting must immediately report the incident to his or her supervisor or to the appropriate law enforcement entity in accordance with Executive Order 2016-04. Subject to applicable law and any contrary instructions by law enforcement, the State Employee will be required to submit a written statement regarding the incident.

Discriminatory Personnel Action: A State Employee may not (a) discriminate against another State Employee on any basis in violation of federal or State law with respect to any adverse employment or personnel action, or (b) if such State Employee is a supervisor, fail to prevent or curtail unlawful discrimination of a subordinate when, as a supervisor, the State Employee knew or should have known that discrimination was occurring.

Interference with or Obstruction of an Investigation: A State Employee may not interfere with or obstruct an investigation by (a) refusing to testify or cooperate in a properly authorized inquiry or investigation, without legal justification, (b) interfering with or improperly influencing, or attempting to interfere with or improperly influence, the testimony of any witness or participant in an investigation, or (c) improperly influencing, or attempting to improperly influence, any investigatory official.

Retaliation: A State Employee may not (a) intentionally interfere with a State Employee's exercise of, or retaliate against a State Employee for exercising, the right to grieve or file a complaint through established procedures, or (b) retaliate against a State Employee for filing a complaint, providing information to an investigatory official, or testifying in an official proceeding. To the extent this section conflicts with the Whistleblower Act (740 ILCS 174) or Section 15-5 of the Ethics Act, the applicable statute will control.

False Statement: A State Employee may not (a) make any materially false statement or knowing misrepresentation on an application for State employment or other document pertaining to qualifications or any other official record, (b) knowingly or intentionally make any false or malicious statement against a fellow State Employee (including a State Employee's co-worker, supervisor, and subordinate) with the intent of harming or destroying the reputation, authority, or official standing of that individual, (c) knowingly make any deliberate misrepresentation or omission, of a material fact, including perjury, making any false sworn statement, and lying to a supervisor, or (d) falsify or knowingly fail to correct false information contained in official documentation or in an official record related to the performance of such State Employee's job duties.

Unlawful Job Action: A State Employee may not participate in or promote an unprotected strike, work stoppage, slow down, sick-out, or other job action in violation of the Illinois Public Labor Relations Act, Illinois Education Labor Relations Act, or a no-strike agreement between the State or a State Agency and an exclusive representative.

Sexual Harassment: A State Employee will work to ensure that his or her workplace is free from sexual harassment, which is prohibited. Sexual harassment means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Any State Employee who witnesses, is subjected to, or becomes aware of such conduct should immediately report the incident to his or her supervisor, Ethics Officer, or applicable State Agency Equal Opportunity Officer, or may make a confidential report to the Office of the Executive Inspector General or the Illinois Department of Human Rights. All complaints of sexual harassment will be investigated thoroughly, and appropriate action will be taken when warranted.

Consequences for a violation of the prohibition on sexual harassment or for intentionally making a false report can be found in the State Officials and Employees Ethics Act, 5 ILCS 430/50-5.

Unauthorized On the Job Use of Alcohol, Drugs, or Controlled Substances: A State Employee may not (a) be under the unauthorized influence of alcohol, drugs, or other controlled substances to a degree that would interfere with proper performance of his or her job duties, would be a menace to safety, or would be prejudicial to the maintenance of discipline, or (b) be under the unauthorized influence of alcohol, drugs, or other controlled substances to a degree that results in injury to another individual or damage to State property.

Health and Safety Violation: A State Employee will maintain a clean and orderly work area and will follow all applicable safety rules and regulations, including (a) not smoking in any unauthorized area, (b) not possessing a lighter, match, or other flammable materials in any explosive or hazardous area, (c) reporting to a supervisor any on-the-job personal injury or accident for which the State Employee had primary responsibility, (d) observing all precautions for personal safety, posted rules, signs, and written or oral safety instructions, (e) using appropriate protective clothing and equipment in any hazardous area, (f) following all material traffic regulations and not engaging in reckless driving or improper operation of a motor vehicle while on property owned or controlled by the State or while driving a State vehicle, and (g) not possessing any explosive, firearm, or other dangerous weapon on State property, or attempt to bring such explosive, firearm, or other dangerous weapon onto State property unless his or her State Agency requires such possession by the State Employee. A State Employee who wants to travel to and from work with a firearm and who possesses a lawful concealed-carry license or permit may secure the firearm in a vehicle parked on State property in accordance with the Firearm Concealed Carry Act (430 ILCS 66).

ADMINISTRATIVE LAW JUDGE CODE OF PROFESSIONAL CONDUCT

PREAMBLE

Pursuant to Executive Order 2016-06, the Department of Central Management Services Bureau of Administrative Hearings (the “Bureau”) is proud to announce the creation of the Code of Conduct for Administrative Law Judges in Illinois (the “Code”). The Code seeks to provide guidance to assist our Illinois administrative law judges in maintaining high standards of judicial and personal conduct as they hear and decide cases on important public matters. The terms “administrative law judge” or “ALJ” are intended to refer to all administrative adjudicators within this State, regardless of their job title.

Prior to the Code, ALJs were not subject to a single uniform code of conduct. Like all State employees, their conduct is subject to mandates of the Illinois Governmental Ethics Act, the State Officials and Employees Ethics Act, the State of Illinois Code of Personal Conduct created on behalf of the Governor pursuant to Section IV of Executive Order 2016-04, and any agency-specific personnel rules. If lawyers, conduct is governed by the Illinois Supreme Court Rules of Professional Conduct. However, these laws do not specifically address the unique ethical dilemmas that confront ALJs. The Code supplies minimum standards for ALJs statewide. In promulgating the Code, the Bureau hopes to equip our ALJs with a valuable tool to service the public and to strengthen the public’s faith in agency decisions and the hearing process as a whole.

The Code is based in part upon the American Bar Association’s Model Code of Judicial Conduct for State Administrative Law Judges (2016 Draft Version) and the National Association of Administrative Law Judiciary’s Model Code of Judicial Conduct for State Administrative Law Judges (adopted November 1993). The text of the rules under the canons is intended to be authoritative and enforceable. The commentary, by explanation and example, provides guidance with respect to the purpose and meaning of the rules. The commentary is not intended as a statement of additional rules. The canons and rules thereunder are rules of reason. They should be applied consistently with constitutional requirements, statutes, administrative rules, administrative orders, and decisional law, and in the context of all relevant circumstances. The Code is to be construed so as not to impinge on the essential independence of ALJs in making decisions.

The Code is designed to provide guidance to ALJs and to provide a structure for regulating conduct. However, it is not intended that every transgression will result in disciplinary action. Whether disciplinary action is appropriate, and the degree of discipline to be imposed, should be determined through a reasonable and reasoned application of the Code and should depend on such factors as the seriousness of the transgression, whether there is a pattern of improper activity, and the effect of the improper activity on others or on the administrative law system. The Code is not designed nor intended as a basis for civil liability or criminal prosecution. Furthermore, the purpose of the Code would be subverted if it were invoked by lawyers for mere tactical advantage in a proceeding before an ALJ.

CANON 1

AN ADMINISTRATIVE LAW JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE ADMINISTRATIVE LAW JUDICIARY AND AVOID THE APPEARANCE OF IMPROPRIETY.

Rule 1.1: Compliance with the Law

An ALJ shall respect and comply with the law, including the Code of Conduct for Administrative Law Judges in Illinois.

Commentary

None

Rule 1.2: Promoting Public Confidence in the Administrative Law Judiciary

An ALJ shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the administrative law judiciary, and shall avoid impropriety and the appearance of impropriety.

Commentary

An independent and honorable judiciary is indispensable to justice in our society. An ALJ should participate in establishing, maintaining, and enforcing high standards of conduct and shall personally observe those standards so that the integrity and independence of the administrative law judiciary is preserved. The provisions of this Code shall be construed and applied to further that objective.

Rule 1.3: Avoiding Abuse of Prestige of Judicial Office

An ALJ shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. An ALJ shall not abuse the prestige of office to advance the private interests of the ALJ or others, nor convey or permit others to convey the impression that they are in a special position of influence.

Commentary

- (1) Maintaining the prestige of office is essential to upholding public confidence in the system. ALJs should distinguish between proper and improper use of the prestige of office in all their activities. It is improper for an ALJ to use or attempt to use his or her position to gain personal advantage or deferential treatment of any kind. For example, it would be improper for an ALJ to utilize office letterhead to gain an advantage in conducting personal business.*
- (2) An ALJ may provide a reference or recommendation for an individual based upon the ALJ's personal knowledge using official letterhead if there is no likelihood that use of the letterhead would reasonably be perceived as an attempt to exert pressure by reason of the judicial office.*

(3) Special considerations arise when ALJs write or contribute to publications of for-profit entities, whether related or unrelated to the law. An ALJ should not permit anyone associated with the publication of such materials to exploit the ALJ's office in a manner that violates this Rule or other applicable law. The ALJ should retain sufficient control over the advertising to avoid such exploitation.

CANON 2

AN ADMINISTRATIVE LAW JUDGE SHALL PERFORM THE DUTIES OF OFFICE IMPARTIALLY, COMPETENTLY AND DILIGENTLY.

Rule 2.1: Giving Precedence to the Duties of Office

The duties of office, as prescribed by law, shall take precedence over all of an ALJ's personal and extrajudicial activities.

Commentary

(1) To ensure that ALJs are available to fulfill their judicial duties, ALJs must conduct personal and extrajudicial activities to minimize the risk of conflicts that would result in frequent disqualification. See Canon 3.

(2) Although it is not a duty of office unless prescribed by law, ALJs are encouraged to participate in activities that promote public understanding of and confidence in the administrative justice system.

Rule 2.2: Impartiality and Fairness

An ALJ shall uphold and apply the law and shall perform all duties of office fairly and impartially.

Commentary

(1) To ensure impartiality and fairness to all parties, an ALJ must be objective and open-minded. Although each ALJ has a unique background and personal philosophy, an ALJ must interpret and apply the law without regard to whether the ALJ approves or disapproves of the law in question. Good faith errors of fact or law made by an ALJ applying or interpreting the law do not violate this Rule.

(2) It is not a violation of this Rule for an ALJ to make reasonable accommodations to ensure self-represented litigants are afforded the opportunity to have their matters fairly heard.

Rule 2.3: Bias, Prejudice, and Harassment

An ALJ shall perform the duties of office, including administrative duties, without bias or prejudice. An ALJ shall not, in the performance of official duties, by words or conduct manifest bias or prejudice, or engage in harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political

affiliation, and shall not permit lawyers engaged in proceedings before the ALJ or others subject to the ALJ's direction and control to do so. This Rule does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation, socioeconomic status, or other similar factors are issues in the proceeding.

Commentary

(1) Expressions of bias or prejudice by an ALJ, even unrelated to judicial activities, may cast reasonable doubt on his or her capacity to act impartially as an ALJ.

(2) Facial expressions and body language can convey an appearance of bias or prejudice. An ALJ must avoid conduct that may reasonably be perceived as biased or prejudiced.

Rule 2.4: External Influences on Judicial Conduct

An ALJ shall not:

- (A) be swayed by public clamor or fear of criticism;
- (B) permit family, social, political, financial, or other interests or relationships to influence the ALJ's judicial conduct or judgment; or
- (C) convey or permit others to convey the impression that any person or organization is in a position to influence the ALJ.

Commentary

An independent administrative law judiciary requires that ALJs decide cases according to law and facts, without regard to whether particular laws or litigants are popular or unpopular. Confidence in the administrative law judiciary is eroded if decision-making is perceived to be subject to inappropriate influences.

Rule 2.5: Competence, Diligence, and Cooperation

An ALJ shall perform judicial and administrative duties competently and diligently. An ALJ shall cooperate with other ALJs, legal professionals, and other officials in the administration of official business.

Commentary

(1) Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform judicial responsibilities.

(2) An ALJ should stay abreast of significant developments in law and strive to continually hone both legal and professional skills through education and training.

(3) Prompt disposition requires the ALJ to devote adequate time to judicial duties, to be punctual in attending hearings and expeditious in determining matters, and to take reasonable measures to ensure that staff, litigants, and their lawyers or lay representatives cooperate with the ALJ.

(4) In disposing of matters promptly, an ALJ must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. An ALJ should monitor cases in ways that reduce or eliminate dilatory practices, avoidable delays, and

unnecessary costs. Attention to prompt resolution of the ALJ's docket, and issuing decisions without undue delay, is critical to the effectiveness and efficiency of administrative agencies.

Rule 2.6: Ensuring the Right to Be Heard

An ALJ shall accord to every person who has a legal interest in a proceeding, or that person's representative, the right to be heard according to law. An ALJ may encourage parties to a proceeding to settle matters in dispute but shall not act in a manner that coerces any party into settlement.

Commentary

An unrepresented party may never have been in a hearing room before. Where necessary to advance the ability of an unrepresented party to be fully heard, an ALJ may provide brief information concerning hearing procedures and substantive law, explain any rulings made, and conduct the hearing so as to fully develop the record. However, in doing so, an ALJ should make clear to the unrepresented party his or her role is to conduct a fair and impartial hearing for all parties, not to provide legal advice or guidance or advocate on the unrepresented party's behalf.

Rule 2.7: Responsibility to Decide

An ALJ shall hear and decide matters assigned to the ALJ, except where disqualification is required under this Code or other law.

Commentary

None

Rule 2.8: Decorum and Demeanor

An ALJ shall:

- (A) require order and decorum in proceedings before the ALJ; and
- (B) be patient, dignified, and courteous to litigants, witnesses, lawyers, staff and others with whom the ALJ deals in an official capacity, and shall require similar conduct of lawyers, staff, and others subject to the ALJ's direction and control.

Commentary

None

Rule 2.9: Ex Parte Communications

(A) An ALJ shall not initiate, permit, or consider ex parte communications. An ex parte communication is any written or oral communication that directly or indirectly imparts or requests material information or makes a material argument regarding a pending or impending proceeding without including all parties to the proceeding on the communication.

- (1) The prohibition on ex parte communications does not prevent the ALJ from communicating to one party about routine procedural and practice matters.

- (2) An ALJ may consult other ALJs and support personnel whose function is to aid the ALJ in carrying out the ALJ's adjudicative responsibilities.
 - (3) An ALJ may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the ALJ.
 - (4) An ALJ may initiate, permit or consider any ex parte communications when expressly authorized by law to do so.
- (B) If an ALJ inadvertently receives an unauthorized ex parte communication bearing upon the substance of a proceeding, the ALJ shall make provision to promptly notify the parties of the substance of the communication and shall make the communication part of the record.
- (C) An ALJ's decision shall be based exclusively upon evidence in the record of the proceeding and material that has been officially noticed. An ALJ shall not investigate facts independently.
- (D) An ALJ shall make reasonable efforts to ensure that staff and others subject to the ALJ's direction and control follow the provisions of this Rule.

Commentary

None

Rule 2.10: Statements on Pending and Impending Cases

- (A) An ALJ shall not, while a proceeding is pending or impending, make any public statement that might reasonably be expected to affect its outcome or impair its fairness or make any non-public statement that might substantially interfere with a fair hearing.
- (B) An ALJ shall not, in connection with cases, controversies, or issues that are likely to come before the ALJ, make pledges, promises, or commitments that are inconsistent with the impartial performance of adjudicative duties.
- (C) An ALJ shall require those subject to the ALJ's direction and control to refrain from making statements that the ALJ would be prohibited from making under Paragraphs (A) and (B).
- (D) Notwithstanding the restrictions in Paragraphs (A) and (B), an ALJ may make public statements in the course of their official duties, explain administrative procedures, and comment on any proceeding in which the ALJ is a litigant in a personal capacity.

Commentary

None

Rule 2.11: Disqualification and Remittal

- (A) An ALJ shall disqualify himself or herself in any proceeding in which the ALJ's impartiality might reasonably be questioned, including but not limited to instances where:
- (1) the ALJ has a personal bias or prejudice concerning a party or a party's lawyer or other representative involved in the proceeding;
 - (2) the ALJ served as lawyer or representative in the matter in controversy, or a lawyer with whom the ALJ privately practiced law served during such association as a lawyer concerning the matter, or the ALJ or such lawyer has been a material witness concerning it;

(3) the ALJ has served in other governmental employment and in such capacity participated as counsel, adviser, or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;

(4) the ALJ has made a public statement, other than in an administrative proceeding, adjudicative decision or adjudicative opinion, that commits or appears to commit the ALJ to reach a particular result or rule in a particular way in the proceeding;

(5) the ALJ, individually or as a fiduciary, or the ALJ's spouse or domestic partner, child, or other member of the ALJ's family residing in the ALJ's household, has a more than de minimis financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding; or

(6) the ALJ or the ALJ's spouse or domestic partner or a person within the third degree of relationship to either of them or the spouse of such a person:

(a) is a party to the proceeding, or an officer, director, general partner, major shareholder, or trustee of a party;

(b) is acting as a lawyer or representative in the proceeding;

(c) is known by the ALJ to have an interest that could be substantially affected by the outcome of the proceeding; or

(d) is likely to be a material witness in the proceeding.

(B) An ALJ should be aware of his or her personal and fiduciary financial interests, and make a reasonable effort to keep informed about the personal financial interests of his or her spouse or domestic partner, child, or other member of the ALJ's family residing in the ALJ's household.

(C) An ALJ disqualified by this Rule, other than for bias or prejudice, may disclose on the record the basis of the ALJ's disqualification. If, following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties and lawyers or representatives, independently of the ALJ's participation, all agree that the ALJ should not be disqualified and the ALJ is willing, the ALJ may participate in the proceeding. The agreement shall be incorporated in the record of the proceeding.

Commentary

For purposes of this Rule, third degree of relationship constitutes a segment of the extended family and includes first cousins, great grandparents and great grandchildren.

Rule 2.12: Supervisory Duties

(A) An ALJ shall require staff and others subject to the ALJ's direction and control to act in a manner consistent with the ALJ's obligations under this Code.

(B) An ALJ with supervisory authority for the performance of other ALJs shall take reasonable measures to ensure that those ALJs properly discharge their adjudicative responsibilities, including prompt disposition of proceedings.

Commentary

(1) An ALJ may not direct personnel to engage in conduct on the ALJ's behalf or as the ALJ's representative when such conduct would violate this Code if undertaken by the ALJ.

(2) Public confidence in the judicial system depends upon timely justice. To promote the efficient administration of justice, an ALJ with supervisory authority must take the steps needed to ensure that ALJs under their supervision administer their workloads promptly.

(3) A supervisory ALJ should not interfere with the decisional independence of other ALJs. Reasonable docket control, case assignments, logistical matters, and other administrative concerns are appropriate provided that these are done in an impartial manner and in no way operate to favor any particular outcome in any case.

Rule 2.13 Upholding the Integrity of the Legal Profession

(A) An ALJ having reasonable belief that the performance of a lawyer or another ALJ is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall take appropriate action which may include a confidential referral to a lawyer or judicial assistance program.

(B) An ALJ having knowledge that another ALJ has committed a violation of this Code that raises a substantial question regarding the ALJ's honesty, trustworthiness, or fitness as an ALJ in other respects shall take appropriate action, including informing the appropriate authority.

(C) An ALJ having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall take appropriate action, including informing the appropriate authority.

(D) An ALJ shall cooperate and be candid and honest with judicial and lawyer disciplinary and other official investigatory agencies in a manner consistent with judicial confidentiality provisions provided by law.

(E) An ALJ shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of the ALJ or a lawyer.

Commentary

Cooperation with investigations and proceedings of judicial and lawyer disciplinary agencies, as required in Paragraph (D), instills confidence in ALJs' commitment to the integrity of the administrative judiciary and the protection of the public.

CANON 3

A STATE ADMINISTRATIVE LAW JUDGE SHALL REGULATE EXTRA-JUDICIAL ACTIVITIES TO MINIMIZE CONFLICT WITH JUDICIAL DUTIES

Rule 3.1: Extrajudicial Activities in General

An ALJ may engage in extrajudicial activities, except as prohibited by law or this Code, including engagement in the arts, sports, and other social or recreational activities. An ALJ may speak, write, lecture, and teach on legal issues as well as non-law-related subjects, subject to the other requirements of this Code and other controlling law and employment duties of the ALJ. However, when engaging in extrajudicial activities, an ALJ shall conduct all his or her activities so that they do not:

- (A) interfere with the proper performance of judicial duties;
- (B) lead to frequent disqualification of the ALJ;
- (C) appear to a reasonable person to undermine the ALJ'S independence, integrity, or impartiality; or
- (D) make use of court premises or staff, except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.

Commentary

(1) The actions, participation, or engagements that are prohibited under this Rule are also prohibited within the realm of social media. An ALJ is not required to forgo use of social media altogether. Rather, an ALJ must recognize that use of social media may implicate provisions of this Code and are advised to proceed cautiously. An ALJ's use of social media must not interfere with the ALJ's overriding duty to uphold the independence, integrity, and impartiality of the administrative law judiciary.

(2) When utilizing social media, an ALJ must avoid creating an environment that might encourage ex parte communications regarding a pending or impending matter before the ALJ. The ALJ should not make any comment on any site about any matter before the ALJ nor should the ALJ interact on social media with individuals or organizations whose advocacy or interests in matters before the ALJ would raise questions about the ALJ's independence.

(3) This Code does not specifically prohibit an ALJ from blogging on the internet, but the ALJ should exercise caution as to how that blog is used in order to make sure the ALJ's impartiality is not called into question or the activity does not impair the ALJ's ability to decide issues that come before the ALJ.

(4) An ALJ utilizing social media should become familiar with and closely monitor privacy settings. An ALJ should be aware that other social media participants may not guard privacy as diligently and may thereby expose the ALJ's photos, comments, and personal information without the ALJ's permission. An ALJ should be cognizant that material posted to social media sites is often irretrievable and may be taken out of context.

Rule 3.2: Appearance before Governmental Agencies and Officials

An ALJ shall not appear voluntarily at a public hearing before, or otherwise consult with, an executive or legislative body or official, except:

- (A) In connection with matters concerning the law, the legal system, or the administration of justice;
- (B) In connection with matters about which the ALJ acquired knowledge or expertise in the course of the ALJ's official duties; or
- (C) When the ALJ is acting in a self-represented capacity involving his or her own legal or economic interests, or when the ALJ is acting in a fiduciary capacity.

Commentary

None

Rule 3.3: Testifying as a Character Witness

An ALJ shall not voluntarily testify as a character witness in a judicial, administrative, or other adjudicatory proceeding.

Commentary

An ALJ who testifies as a character witness without being subpoenaed abuses the prestige of the judicial office to advance the interests of another.

Rule 3.4: Appointment to Governmental Positions

An ALJ may accept appointment to a governmental committee, board, commission, or other position only if such appointment neither conflicts with the ALJ's official duties nor impacts the ALJ's independent professional judgment.

Commentary

If the appointment could present an appearance of impropriety, conflict, bias, or prejudice concerning the ALJ's official position, the ALJ should decline the appointment.

Rule 3.5: Use of Nonpublic Information

An ALJ shall not intentionally disclose or use nonpublic information acquired in an official capacity for any purpose unrelated to the ALJ's official duties.

Commentary

None

Rule 3.6: Affiliation with Discriminatory Organizations

An ALJ shall not:

- (A) hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation; or
- (B) utilize the benefits or facilities of an organization that the ALJ knows or should know practices invidious discrimination as identified in paragraph (A).

Commentary

(1) An ALJ's attendance at an event or facility of an organization as delineated above does not violate this Rule if such attendance is an isolated event that could not reasonably be perceived as an endorsement of the organization's practices, but the ALJ should consider whether such attendance could cause a reasonable observer to question the ALJ's independence, integrity, or impartiality as delineated in Rule 3.1(C), above.

(2) Invidious discrimination means treating a class of persons unequally in a manner that is malicious, hostile, or damaging.

Rule 3.7: Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities

An ALJ may, within the confines of Rule 3.1,:

(A) participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, including but not limited to the following activities:

(1) serving as an officer, director, trustee, or advisor of such an organization or entity, unless it is likely that the organization or entity:

(a) will be engaged in proceedings that would ordinarily come before the ALJ; or

(b) will frequently be engaged in adversary proceedings in the tribunal of which the ALJ is a member, or in any tribunal subject to the appellate jurisdiction of the tribunal of which the ALJ is a member.

(2) assisting such an organization or entity in planning related to fundraising, and participating in the management and investment of the organization's or entity's funds;

(3) soliciting contributions for such organization or entity, but only from members of the ALJ's family or other judges over whom the ALJ does not exercise supervisory or appellate authority;

(4) soliciting membership for such organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity;

(5) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting their title to be used in connection with an event of such an organization or entity;

(6) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities; and

(7) encouraging attorneys to provide pro bono public legal services.

(B) participate in activities sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit or for the economic or political advantage of its members, including but not limited to the following activities:

(1) serving as an officer, director, trustee, or advisor of such an organization or entity, unless it is likely that the organization or entity:

(a) will be engaged in proceedings that would ordinarily come before the ALJ; or

(b) will frequently be engaged in adversary proceedings in the tribunal of which the ALJ is a member, or in any tribunal subject to the appellate jurisdiction of the tribunal of which the ALJ is a member.

(2) assisting such an organization or entity in planning related to fundraising, and participating in the management and investment of the organization's or entity's funds;

(3) soliciting contributions for such organization or entity, but only from members of the ALJ's family or other judges over whom the ALJ does not exercise supervisory or appellate authority; or

(4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting their title to be used in connection with an event of such an organization or entity, unless such event serves a fund-raising purpose, in which case the ALJ shall not so participate but may attend.

Commentary

None

Rule 3.8: Appointments to Fiduciary Positions

An ALJ shall not serve as an executor, administrator, trustee, guardian, or other fiduciary if such service will interfere with the proper performance of judicial duties or if it is likely that as a fiduciary, the ALJ will be engaged in proceedings that would ordinarily come before the ALJ, or if the estate, trust or ward becomes involved in adversary proceedings in an agency in which the ALJ serves or one under its appellate jurisdiction. An ALJ acting in a fiduciary capacity shall be subject to the same restrictions on engaging in financial activities that apply to an ALJ personally.

Commentary

None

Rule 3.9: Service as Arbitrator or Mediator

(A) An ALJ shall not be an arbitrator or mediator regarding a matter over which the ALJ may later preside.

(B) A full-time ALJ should not act as an arbitrator or mediator, nor perform other judicial functions apart from the ALJ's official duties, unless expressly authorized by law.

(C) A part-time ALJ may act as an arbitrator or mediator regarding matters over which the ALJ is not currently and will not later preside, but shall not do so if the ALJ's impartiality or independent professional judgment might reasonably be questioned because of such work.

Commentary

This provision does not, and should not be interpreted to, include or cover any service as an arbitrator or mediator that is part of the ALJ's official duties, including but not limited to pre-trial or post-trial conferences or settlement negotiations.

Rule 3.10: Practice of Law

Subject to law and agency rules, an ALJ may practice law if such activity neither affects the independent professional judgment of the ALJ nor the conduct of the ALJ's official duties. An ALJ acting as an attorney shall not accept representation of a client who is a litigant before the tribunal for whom the ALJ serves or if it is possible that such person will appear before the ALJ. An ALJ shall not practice law before the administrative tribunal for which the ALJ serves.

Commentary

If an agency has adopted a more restrictive policy governing secondary employment, the more restrictive policy shall control.

Rule 3.11: Financial, Business, or Remunerative Activities

(A) An ALJ shall refrain from financial and business dealings that tend to reflect adversely on impartiality, interfere with the proper performance of judicial duties, exploit the ALJ's official position, or involve the ALJ in frequent transactions or continuing business relationships with attorneys or persons likely to come before the agency in which the ALJ serves.

(B) Subject to the requirements of paragraph (A), the laws of the jurisdiction and the other provisions of this Code, an ALJ may hold and manage personal investments of the ALJ and members of the ALJ's family, including real estate holdings, and engage in other remunerative activity. An ALJ shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity except that an ALJ may manage or participate in a business closely held by the ALJ or members of the ALJ's family, or a business entity primarily engaged in investment of the financial resources of the ALJ or members of the ALJ's family.

(C) An ALJ shall not engage in financial activities, even those otherwise permitted under the preceding paragraphs, if they will lead to frequent disqualification of the ALJ, and shall manage his or her investments and other financial interests to minimize the number of cases in which the judge might be disqualified. As soon as the ALJ can do so without serious financial detriment, the ALJ shall divest themselves of any such investments and other financial interests which might require frequent disqualification.

Commentary

None

Rule 3.12: Compensation for Extrajudicial Activities

An ALJ may accept reasonable compensation for extrajudicial activities permitted by this Code or other law unless such acceptance would appear to a reasonable person to undermine the ALJ's independence, integrity, or impartiality or such compensation is otherwise prohibited by law. Compensation should not exceed what a person who is not an ALJ would receive for the same activity.

Commentary

(1) If the source of such payments might give the impression of influencing the judge's performance of judicial duties or otherwise give the appearance of impropriety, the compensation should be declined regardless of the level of compensation.

(2) Nothing in this Code exempts the ALJ from having to follow Illinois law or policy regarding secondary employment opportunities.

Rule 3.13: Acceptance of Gifts, Loans, Bequests, Benefits, or Other Things of Value

(A) An ALJ shall not accept any gifts, loans, bequests, benefits, or other things of value, if acceptance is prohibited by law or would appear to a reasonable person to undermine the ALJ's independence, integrity, or impartiality, and may only accept such gifts, loans, bequests, benefits, or other thing of value if such acceptance is consistent with relevant agency rules and other applicable laws.

(B) Unless otherwise prohibited by law or this Code, an ALJ may accept the following:

- (1) items with little intrinsic value, such as plaques, certificates, trophies, and greeting cards;
- (2) gifts, loans, bequests, benefits, or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding before the ALJ would in any event require disqualification of the ALJ under this Code;
- (3) ordinary social hospitality;
- (4) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not ALJs or judges;
- (5) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not ALJs or judges;
- (6) scholarships, fellowships, and similar benefits or awards, if they are available to similarly situated persons who are not ALJs or judges, based upon the same terms and criteria;
- (7) books, magazines, journals, audiovisual materials, and other resource materials supplied by publishers on a complimentary basis for official use; or
- (8) gifts, awards, or benefits associated with the business, profession, or other separate activity of a spouse, a domestic partner, or other family member of an ALJ residing in the ALJ's household, but that incidentally benefit the ALJ;
- (9) gifts incidental to a public testimonial;
- (10) invitations to the ALJ and the ALJ's spouse, domestic partner, or guest to attend without charge;
 - (a) an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or
 - (b) an event associated with the ALJ's educational, religious, charitable, fraternal, or civic activities permitted by this Code, if the same invitation is offered to non-ALJs and non-judges who are engaged in similar ways in the activity as is the ALJ.

Commentary

- (1) This Rule does not encompass campaign contributions, a matter covered by Canon 4.*
- (2) This Rule is not intended to replace provisions governing the acceptance of gifts found elsewhere in Illinois law or policy. An ALJ shall follow the most restrictive applicable mandate.*
- (3) Because benefits such as gifts, bequests, favors, and loans to a member of the ALJ's family could be viewed as intended to influence the ALJ, an ALJ shall inform family members residing*

in his or her household of the ALJ's ethical constraints and shall urge those family members to decline such benefits.

(4) An ALJ must be ever-cognizant of the appearance of impropriety referenced in Canon 1.

Rule 3.14: Reimbursement of Expenses and Waivers of Fees or Charges

(A) Unless otherwise prohibited by this Code or other law, an ALJ may accept reimbursement and reasonable expenses for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items, from sources other than the ALJ's employing entity, if the expenses or charges are associated with the ALJ's participation in extrajudicial activities permitted by this Code.

(B) Reimbursement of expenses shall be limited to the actual costs reasonably incurred by the ALJ and, when appropriate to the occasion, by the ALJ's spouse, domestic partner, or guest. Payment in excess of such an amount is compensation.

Commentary

None

CANON 4

AN ADMINISTRATIVE LAW JUDGE SHALL REFRAIN FROM ENGAGING IN POLITICAL ACTIVITY INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE ADMINISTRATIVE LAW JUDICIARY.

Rule 4.1: Political and Campaign Activities

An ALJ shall abide by all laws, agency rules, and any administrative orders governing political activities of State employees.

Commentary

(1) Participation in political activities is the right of every person. Unless prohibited by law, an ALJ may engage in political activity on personal time so long as the activity does not affect his or her impartiality and does not foster impropriety or the appearance of impropriety.

(2) Examples of political activities an ALJ may engage in without violation of this Code includes, but is not limited to, displaying a bumper sticker on the ALJ's vehicle, displaying a sign on the ALJ's residence or yard, or contributing money to a political campaign so long as the ALJ does not attach to his or her name the title of ALJ.

Rule 4.2: Candidates for Appointive Positions

A candidate for an appointed governmental position may communicate with the appointing or confirming authority, including any selection, screening or nominating commission or similar organization, and seek endorsements for the appointment from any person or organization other than a partisan political organization.

Commentary

None

Rule 4.3: Activities of ALJs who Become Candidates for Elective Office

An ALJ may run for public office, but shall at all times act in a manner consistent with the integrity and independence of his or her position as ALJ. An ALJ need not resign his or her position upon becoming a candidate for public office, unless otherwise required by law, provided the ALJ complies with the provisions of this Code.

Commentary

None

EFFECTIVE DATE

This Code of Conduct for Administrative Law Judges in Illinois shall be in full force and effect as of its issuance date of April 17, 2017 and is subject to revision in whole or in part by the Bureau of Administrative Hearings.

3.2 DCFS Rules and Procedures

Each Regional Field Office maintains a copy of the DCFS Rules and Procedures. Also, rules and procedures are available on the Department's website at www.state.il.us/dcfs/policy/ and on the Web Resource accessible via the D-Net.

The Rules are policy statements which:

- affect the rights or entitlements extended to the public served by the Department; or
- affect the distribution of resources to children and their families served by the Department; or
- affect rights and procedures available to persons outside the Department.

Each volume of DCFS Rules and Procedures is organized into four (4) parts:

1. Rules, printed on white paper, range from administrative functions involving the processing of paperwork to the issues surrounding confidentiality and accuracy of records.
2. Procedures, printed on yellow paper, describe the manner in which the rules are implemented or enforced by staff.
3. Administrative Procedures, printed on green paper, relate to issues primarily internal to the Department.
4. Policy Guides, printed on salmon paper, are used to clarify, interpret, or detail a rule, or to convey procedural instructions on an emergency or interim basis.

The DCFS Rules and Procedures are written policy, approved by the Director, which **must** be adhered to by each employee of the Department. Failure to do so may result in disciplinary action, up to and including discharge.

3.2 DCFS Rules and Procedures

Whenever an employee of the Department speaks to any outside person regarding a proposed **rule**, the employee should determine whether the communication needs to be reported to the Ethics Officer as an “*ex parte communication*.” An ex parte communication is a “*written or oral communication by any person during the rulemaking period that imparts or requests material information or makes a material argument regarding potential action concerning an agency’s . . . rulemaking . . . when the person intends to influence the rulemaking process.*” Illinois Administrative Procedure Act [5 ILCS 100/5-165]. Such communications are not illegal or unethical, but the law requires that they be made part of the official rulemaking record.

The employee should call the Ethics Officer in the Office of Legal Services by the next business day and report the communication at 312/814-2401 or via email to DCFS.EthicsOfficer@illinois.gov. IF AN EMPLOYEE IS UNSURE WHETHER A COMMUNICATION FITS THE DEFINITION OF “EX PARTE COMMUNICATION” HE OR SHE SHOULD CALL THE ETHICS STAFF TO HELP MAKE THAT DETERMINATION. If the communication is one that should be reported, the Ethics Staff will send the employee a form to fill out and assist the employee in doing so. The form and any supporting documentation should be sent back to the OIG Ethics Staff who will then make it part of the rulemaking record.

Communications that should be reported must meet all the following criteria:

- There is a proposed rule pending before the Joint Committee on Administrative Rules (JCAR)
- There is a communication about the proposed rule that is written or oral (excluding statements made in a public forum); and
- They come from someone outside DCFS; and
- They refer explicitly to the pending “rulemaking proceeding” or “rule”; and
- They give or ask for non-procedural information or make an argument regarding the pending rule (requests for copies or questions about rulemaking procedure need not be reported).

If someone outside DCFS begins to talk to an employee in person or over the phone in a manner that seems to fit the above criteria, the employee should ask the person to put his or her comments or questions in writing and send them to the employee. This will make reporting of the communication easier. Any substantive response a DCFS employee makes to an ex parte communication must also be reported.

3.3 Court Attendance Policy

Employees required to represent clients and the Department before the Juvenile Court system are held accountable for their attendance. The Department has two (2) documents outlining the Department's position regarding employee court attendance:

Policy Guide 96.7, Court Attendance and Performance (attachment 3.3a) is an internal agency guideline that provides expectations for staff preparation and performance in court.

Memorandum of Understanding, Court Attendance Policy (attachment 3.3b) is part of the agency's Supplemental Agreement with AFSCME. DCFS and AFSCME recognize the critical importance of attendance at Juvenile Court proceedings in order for the agency to maintain the best possible services to its clients. This language was drafted to allow both management and the Union to work jointly to identify and resolve the court issues of notification, case identification, tracking, key dates, and any other issues resulting in court attendance problems.

It is incumbent upon each employee to review and become familiar with these documents. The Court Attendance Policy (attachment 3.3b) outlines the progressive levels of disciplinary action to which an employee may be subject in the event s/he fails to attend a court hearing without a legitimate reason for excusal.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Distribution: X, Z and C-3

POLICY GUIDE 96.7

COURT ATTENDANCE AND PERFORMANCE

DATE: March 20, 1996

TO: All Child Welfare Staff

FROM:  Jess McDonald, Director

Effective: Immediately

I. Purpose

The purpose of this Policy Guide is remind staff of the Department's court attendance policy and to provide guidance for its implementation.

II. Primary Users

The primary users of this Policy Guide are child welfare staff who are required to appear in court on behalf of children in their caseloads.

III. Memorandum of Understanding

All employees have been sent a copy of the court attendance policy which the Department and AFSCME signed recently (copy attached). Please read and study this agreement as soon as possible.

In the Memorandum of Understanding, the Department and AFSCME agreed to work jointly to identify and resolve court attendance problems and to educate and promote the critical importance of court attendance. Employees are expected to track, prepare, attend, and participate fully in every mandated court appearance. The Memorandum of Understanding lists "legitimate reasons" which would excuse an employee from court attendance and establishes progressive discipline for non-excusable absences. Employees' responsibilities for notifying the court facilitator and their supervisor of scheduling conflicts are also detailed in the agreement. The Department is responsible for developing with the courts an appropriate system of notification, identification and tracking.



IV. Preparation for Court

As the Department strives to improve its interaction with the court system, you are encouraged to follow three (3) important aspects of preparation for court.

1) Preparation of Case Information

You must prepare case information for a court or permanency planning hearing. This means reviewing the case record for completeness; reviewing the client service plan to ensure that it addresses comprehensively the service needs of the family as discussed with the family; reviewing your case notes about contact with or on behalf of the child or family to ensure the notes are current and factual; and providing the court before the hearing any required written information within relevant timeframes.

2) Worker Preparation

You must prepare yourself for the court proceeding. This means that you have noted in the case record and your personal calendar the date and calendar number of the proceeding. This should be done normally at the conclusion of the previous hearing. It is critical that you bring your personal calendar to court. Having your calendar with you will allow you to check for any scheduling conflicts (e.g., a court hearing on another case) and to advise the court and request an alternative date for the next hearing. Also, you should have given your supervisor the date of the next hearing so she/he can maintain a master calendar for the team of all scheduled court hearings.

Preparation also means reviewing the case facts with your supervisor before the hearing to ensure services are appropriate and to discuss what may occur during the hearing, especially lines of questioning anticipated from the attorney for the parent and the child's guardian ad litem. Preparation for such testimony is crucial as the interaction may become contentious. You must be prepared to respond in a factual, professional manner.

Further, arriving at court early and ready to testify allows you to review one last time the facts of the case and to discuss the case with court personnel prior to the hearing.

3) Preparation of the Family

You should prepare the family, child and, if applicable, the foster parent for the court proceeding. This involves explaining to them the purpose of the hearing, who will be participating and their respective roles, and, most importantly, explaining what recommendations you will be making to the court concerning future services.

Staff who prepare the case record, who prepare themselves, and who prepare families,

children and foster parents for court proceedings as discussed above, will be in compliance with the Court Attendance Policy because they attend all scheduled hearings fully prepared to inform the court of our work with a family and child and to respond professionally and satisfactorily to questions about our work

The Department has made significant progress in improving its interaction with the juvenile courts, and your cooperation is appreciated. Each of you is urged to commit yourself to working with the court system as effectively and efficiently as possible to achieve protection, well-being, and permanency for children and their families.

V. Filing Instructions

Place this Policy Guide after yellow procedures page Procedures 305.130 (2) in your volume of Rules and Procedures.

MEMORANDUM OF UNDERSTANDING

Court Attendance Policy

In recognition of the critical importance of attendance at Juvenile Court proceedings in the ongoing efforts by the Department of Children and Family Services to provide the best possible services to its clients, AFSCME Council 31 and the Department of Children and Family Services hereby agree to the following:

- (1) AFSCME and the Department will jointly work to identify and resolve the court issues of notification, case identification, tracking, key dates, and any other issues resulting in court attendance problems.
- (2) It is the expectation of the Department that each employee track, prepare, attend and fully participate in every Court hearing appearance mandated.
- (3) In an effort to verify actual court attendance and Legitimate Reasons for missing court, the Department reserves the right to conduct investigatory interviews and investigations in each case prior to requesting a Pre-Disciplinary meeting with the employee where there is reason to believe an employee's absence may be unexcused.
- (4) It is agreed that the method of counting a missed Court appearance will be based on the calendar day, i.e. a worker who misses a day in court will be charged with one occurrence even if the worker has missed more than one case on that day.
- (5) It is agreed that if an employee fails to attend a court hearing without a Legitimate Reason for excusal, as described in paragraph (6) below, the employee may be subject to the following levels of disciplinary action:
 - a) For the first occurrence of an unexcused absence in any period of twenty-four (24) consecutive months, an employee will be subject to a written reprimand.
 - b) For the second occurrence of an unexcused absence in any period of twenty-four (24) consecutive months, an employee will be subject to a three (3) day suspension which will include a one (1) day suspension without pay, with the remaining suspension days served as a paper suspension.
 - c) For the third occurrence of an unexcused absence in any period of twenty-four (24) consecutive months, an employee will be subject to a seven (7) days suspension which will include three (3) days suspension without pay, with the remaining suspension days served as a paper suspension.
 - d) For the fourth occurrence of an unexcused absence in any period of twenty-four (24) consecutive months, an employee will be subject to a twelve (12) days suspension which will include five (5) days suspension without pay, with the remaining suspension days

served as a paper suspension.

(e) For the fifth occurrence of an unexcused absence in any period of twenty-four (24) consecutive months, an employee will be subject to a twenty (20) days suspension which will include eight (8) days suspension without pay, with the remaining suspension days served as a paper suspension.

(f) For the sixth occurrence of an unexcused absence in any period of twenty-four (24) consecutive months, an employee will be discharged.

If a suspended employee requests, the employee may be permitted to substitute vacation or other benefit time (except sick leave) to maintain payment for up to two days of an actual (without pay) suspension day.

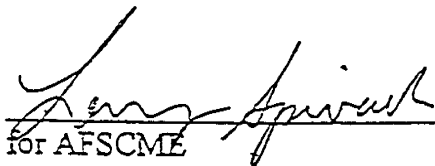
- (6) The following is a list of Legitimate Reasons that would excuse an employee from Court attendance:
- a) The employee: 1) was not present on the last court date; 2) the case file does not contain a record of the court date; and 3) no notification to the worker of the court date can be documented.
 - b) The employee: 1) received prior approval for time off work, such as vacation, holiday, personal business, non-emergency sick time; 2) notified in writing the employee's immediate supervisor of the court dates falling within the approved time off work so that the supervisor can take appropriate action to cover the court date and notify the court.
 - c) The employee was excused by the judge in a signed order on the prior court date.
 - d) The employee: 1) was notified of a subpoena or an order that the employee appear in court; 2) is not the assigned worker on the case; 3) notified OLS of the mistake; and 4) was advised by OLS staff that attendance was excused.

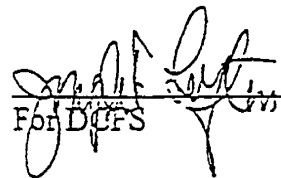
This limited list of reasons suggests our intention to minimize the significant disruption that occurs when staff fail to appear at scheduled court hearings. The parties recognize, however, that there may be other circumstances that would provide a legitimate reason for missing a court date, but these will be handled on a case by case basis within management's discretion.

- (7) If an employee is scheduled to appear on two separate calendars at the same time, the employee is responsible for informing the court facilitator and the supervisor of the conflict, prior to the case being called.
- (8) If an employee requests emergency sick time or has an emergency circumstance that prevents attendance in court, it is the employee's responsibility to inform the supervisor

of the scheduled court appearances as soon as possible and prior to the case being called.

- (9) AFSCME and the Department will actively educate and promote the critical importance of court attendance.
- (10) The Union's involvement will not relieve management of its responsibility in conjunction with the courts to ensure that an appropriate system of notification, identification and tracking be developed. Such system needs will be addressed on a statewide basis where identified.

 1-16-98
for AFSCME Date

 1-16-98
For DCFS Date

10/24/95

FAILURE TO ATTEND COURT - STEP DISCIPLINE*

| STEP | DISCIPLINARY CONSEQUENCE |
|------|--|
| 1 | Written reprimand |
| 2 | 3 days suspension, including 1 day without pay |
| 3 | 7 days suspension, including 3 days without pay |
| 4 | 12 days suspension, including 5 days without pay |
| 5 | 20 days suspension, including 8 days without pay |
| 6 | Discharge |

* This chart summarizes the disciplinary steps described in the attached Memorandum of Understanding. Please refer to the Memorandum for the full description of each step.

Letter of Understanding
Clarification of Court Attendance Policy

The Union and DCFS Management having entered into an Agreement concerning court attendance agree on the following issues as they relate to disciplinary matters.

1. The court attendance policy is not intended to change the normal rules under the contract or in the arbitration process with respect to the appropriate time frames for considering prior discipline.
2. The court attendance policy does not modify the normal schedule of progression of discipline when court attendance discipline is appropriately joined with other actions as a basis for progressive discipline.

For the Union

Larry Spivack
1-16-95

For DCFS Management

Joseph E. Allen
1-16-95

Extended Statewide

For the Union

Larry Spivack
2-15-96

For DCFS Management

John R. Henderson
2-15-96

3.4 Daily Attendance

As addressed in Chapter 2.0, tardiness and absenteeism are poor work habits and cannot be tolerated. Employees are expected to report to work on time each day as scheduled. An employee who is repeatedly late for work may be docked until the problem has been corrected over a reasonable period of time.

Absenteeism will be addressed by counseling and progressive discipline as identified in the Department's Affirmative Attendance policy (attachment 3.4a, Memorandum of Agreement (MOA) with AFSCME) after giving due consideration to the Family and Medical Leave Act. The Affirmative Attendance Policy pertains to AFSCME covered employees only.

Tardiness will be addressed by counseling and progressive discipline and the threshold between tardiness and "Unauthorized Absence" (UA) is **one (1) hour** after an employee's regular starting time. For example, if an employee's workday normally begins at 8:30 a.m. and s/he arrives to work at 8:40 a.m., s/he is identified as being late for work. If the employee arrives to work at or after 9:30 a.m., the absence is unauthorized and the employee may be subject to disciplinary action.

Lunch breaks, by definition, are to be taken at the approximate mid-point of an employee's workday. These times may vary depending on the need for an office to maintain staff coverage.

Employees working a "standard" five-day work schedule receive two (2) break times, or "rest periods," of fifteen (15) minutes each workday; one during the first half and one during the second half of the workday. Employees working a 4-day work schedule receive two (2) rest periods of twenty (20) minutes each during each workday, as identified above.

The accumulation of employee break and/or lunch periods for the purpose of using this time at the beginning, end, or any time during an employee's workday, will not be permitted. Exceptions may be given consideration within an approved Upward Mobility Program schedule in accordance with AFSCME Article XV, Upward Mobility Program.

*Affirmative Attendance Policy
Memorandum of Understanding*

1. The Employer recognizes that personal problems may affect employee attendance and encourages utilization of the Personal Support Program.
2. Unauthorized absences shall be those absences for which time is not approved. The threshold between late arrival and unauthorized absence is one hour after the starting time. Although tardiness is not considered an unauthorized absence under this agreement, employees are expected to report to work on time each day as scheduled. Any negotiated tardiness policies shall remain in full force and effect during the life of the Master Agreement unless otherwise negotiated by the parties.

Where current practices exist, any unauthorized absence which is less than a ½ day will be treated under Article IX of the Master Contract as misuse of time inclusive of all other time related infractions (including late arrival, extended breaks and lunch hours, leaving work without authorization, etc.) as one progressive and corrective disciplinary track. However, such absences shall not be subject to #8 of this agreement.

3. Authorized dock time shall be granted when sick time has been exhausted if proper medical certification is provided within three (3) work days. It is the employee's responsibility to provide medical certification to their supervisor. Documents that do not contain the necessary elements will not be accepted and the employee will be so notified. The absences shall be considered unauthorized if acceptable certification is not subsequently provided within five (5) work days.

Proper medical certification must contain the following elements:

- a) Signature, address, and phone number of the medical practitioner (or the authorized designee);
- b) The pertinent dates in question of the illness or injury;
- c) An Indication that the employee was unable to work on the date(s) in question for the reasons of personal or family illness;
- d) The original medical statement; if the employee needs a copy management will provide.

Notwithstanding the above, the Employer may accept an electronically generated statement with an electronic signature or a facsimile with cover page, as long as the necessary information is provided as set forth in 3(a), (b), (c) and (d).

Vacation, holiday, compensatory and personal business time shall be requested in advance, except in emergency situations and as set forth in Paragraph #5. If no personal business, vacation, holiday or compensatory time is available, authorized dock time shall be approved for emergency situations, subject to verification of the emergency situation.

4. Authorized dock time under these circumstances is limited to five (5) days within a twelve (12) month period, unless approval for more time is granted by the authorizing supervisor. Employees who have used all allowable authorized dock time shall be informed of their right to apply for an appropriate leave of absence. Employees who have been on proof status within the previous three (3) months shall have no right to authorized dock time.
5. All employees' requests for benefit time usage must be supported by a request for time off form submitted by the employee. In accordance with agency practice, requests for available benefit time other than unscheduled sick leave, emergency personal business and inclement weather situations, shall be made reasonably in advance, in writing, using the proper form. Consideration of such requests shall be in accordance with the Master Agreement.

Where current practices exist, same day call-in requests for vacation, compensatory, and holiday time shall be made only when it is not possible to request such time in advance and in writing using the appropriate form. When an employee is claiming that it is not possible to request the vacation, compensatory or holiday time reasonably in advance in writing, the Employer has the right to inquire as to why it was not possible, although such inquiry may only be made when reasonable grounds exist to suggest abuse. Same day call-in requests for vacation, compensatory or holiday time shall not be denied unless a bona fide operating need exists to do so. Under no circumstances will such request be denied solely because a request is called-in on the day requested. The form must be provided to the supervisor no later than two (2) of the employee's workdays after the employee's return from the absence.

Supervisors must ensure that the form is readily available to the employee. Failure of the employee to provide this form may result in the absence being considered unauthorized, and the employee may be docked and disciplinary referral may be initiated. If the employee subsequently submits the form within two (2) of the employee's workdays after notification of being docked, the determination of an unauthorized absence shall be corrected.

6. Supervisors must process all completed forms generated from call-ins within five (5) calendar days of submission, either approving or disapproving the request.
7. As long as the employee meets the applicable Leave of Absence requirements, the Employer will approve leave for the time frame documented, including request for short-term leaves.

It is the employee's responsibility to provide proper medical certification to their supervisor. Documents that do not contain the necessary elements will not be accepted and the employee will be so notified. The absences shall be considered unauthorized if acceptable certification is not subsequently provided within five (5) workdays. Proper medical certification must contain the following elements:

- a. Signature, address, and phone number of the medical practitioner (or authorized designee)
- b. The pertinent date(s) in question of the illness or injury.
- c. An indication that the employee was unable to work on the date(s) in question for reasons of personal or family illness.
- d. The original medical statement must be submitted; if the employee needs a copy management will provide.

Notwithstanding the above, the Employer may accept an electronically generated statement with an electronic signature or a facsimile with cover page, as long as the necessary information is provided as set forth in 7(a), (b), (c) and (d).

8. Unauthorized absences shall be subject to the following corrective and progressive disciplinary action:

A.

| Occurrence | Unauthorized absence with call-in |
|------------------|-----------------------------------|
| 1 st | Counseling |
| 2 nd | Oral reprimand |
| 3 rd | Written reprimand |
| 4 th | 2 nd Written reprimand |
| 5 th | 1 day suspension |
| 6 th | 3 day suspension |
| 7 th | 5 day suspension |
| 8 th | 7 day suspension |
| 9 th | 10 day suspension |
| 10 th | 15 day suspension |
| 11 th | 20 day suspension |
| 12 th | Discharge |

- B. Each day of unauthorized absence shall be considered a separate offense for the purposes of progressive discipline.
- C. Each day of unauthorized absence without a call-in shall be considered as two offenses, and appropriate progressive discipline shall be administrated pursuant to Paragraph 8.A. above.

Under this Affirmative Attendance Agreement, except for the last offense before discharge, no employee will serve any suspension time. Employees will be given the usual notice of a suspension but will be expected to report to work and lose no wages. An employee will only serve five (5) days of actual suspension time for the last offense prior to discharge.

D. The parties agree that this section does not alter the provision in Article IX of the Master Agreement regarding discharge for five (5) consecutive days of unauthorized absence with no call-in (XA).

9. Discipline will be considered timely and progressive based on a rolling 24-month period. If the last disciplinary action is more than 24 months old, the progression will start over.
10. Employees not covered by an Affirmative Attendance Agreement prior to the effective date of this agreement shall be considered to have committed no offense. Employees, who have discipline under a prior Affirmative Attendance Policy, shall be placed on the closest step of the discipline track for the same offense that does not represent an increase in the level of discipline.
11. The Employer recognizes that personal problems may affect the attendance of employees. Upon request by the local Union president or designee, employees will be afforded a joint Union/Management consultation at the last suspension prior to discharge. The purpose of such consultations will be to provide guidance and counseling to the employee as to the need for their services, the consequences of continued unauthorized absences, the ability of services for problems, specifically including PSP, which may be identified and the ability to request a leave of absence.

After training materials have been distributed to those Agencies previously not covered under an Affirmative Attendance Policy, the Employer will start the Affirmative Attendance Policy. Additionally, Agencies and the Union shall establish joint training program presentations in those Agencies previously not covered under an Affirmative Attendance Policy at the request of either party. In the event a training program is presented, the Employer will initiate the Affirmative Attendance Policy within one month upon completion of the presentation.

12. This agreement supersedes any other agreement(s) on this issue.

Ron Pitts

For the Union

3-6-09

Date

[Signature] [Signature] 10

For the Employer

1/23/09

Date

3.5 Weapons

The Department does not condone and thus prohibits employees from carrying weapons (on their person, concealed in a briefcase, purse, etc., or in a state-owned or private vehicle) onto state property at any time while they are conducting official business for the State of Illinois. 720 ILCS 5/33A-1(c). attachment 3.5a defines weapons. It is a violation of the Illinois Criminal Code of 1961 (attachment 3.5b) as amended, to carry or possess a weapon, as defined in attachment 3.5a in any DCFS building.

Employees who are otherwise legally permitted to carry weapons cannot carry weapons while performing Department job duties. While on duty, including travel status, employees are prohibited from carrying or possessing a weapon on their person or within any vehicle (public or private) that is being used to perform job duties, excluding normal commute to/from work. Employees may not carry or possess a weapon within any state-owned vehicle at any time.

The exception to the Criminal Code pertains to the possession of a weapon on one's own land, in one's own residence or (in the event of a private business outside state service) in one's own fixed place of business.

The Department will interpret any incident where a weapon is brought onto state property, including parking lots, (other than by a law enforcement officer, special agent, licensed private investigator, other duly authorized persons, or in accordance with attachment 3.5c) as a threat to the safety of Department employees and a threat to public safety. If, at any point, a Department employee believes that his/her safety is in immediate danger, he/she should not hesitate to temporarily vacate the office, notify the local law enforcement agency and request assistance, and inform his/her supervisor or administrator. A subsequent report must be made to the employee's supervisor, who will inform the Department's Inspector General when a weapon is possessed/used by an employee.

Any Department employee who violates this policy will be subject to disciplinary action, up to and including discharge. If there is reasonable cause to believe an employee is carrying a weapon during official business hours, anyone with such knowledge is to immediately notify the Illinois State Police via the Inspector General (312)433-3000, in accordance with Administrative Procedure #16 (attachment 5.5a).

720 ILCS 5/33A-1

(c) Definitions.

(1) "Armed with a dangerous weapon". A person is considered armed with a dangerous weapon for purposes of this Article, when he or she carries on or about his or her person or is otherwise armed with a Category I, Category II, or Category III weapon.

(2) A Category I weapon is a handgun, sawed-off shotgun, sawed-off rifle, any other firearm small enough to be concealed upon the person, semiautomatic firearm, or machine gun. A Category II weapon is any other rifle, shotgun, spring gun, other firearm, stun gun or taser as defined in paragraph (a) of Section 24-1 of this Code, knife with a blade of at least 3 inches in length, dagger, dirk, switchblade knife, stiletto, axe, hatchet, or other deadly or dangerous weapon or instrument of like character. As used in this subsection (b) "semiautomatic firearm" means a repeating firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round and that requires a separate pull of the trigger to fire each cartridge.

(3) A Category III weapon is a bludgeon, black-jack, slungshot, sand-bag, sand-club, metal knuckles, billy, or other dangerous weapon of like character.

(Source: P.A. 91-404, eff. 1-1-00; 91-696, eff. 4-13-00.)

ILCS

5/21-6. Unauthorized possession or storage of weapons

§ 21-6. Unauthorized Possession or Storage of Weapons.

(a) Whoever possesses or stores any weapon enumerated in Section 33A-1 on land supported in whole or in part with State funds or federal funds administered through State agencies or in any building on such land without prior written permission from the chief security officer for such land or building commits a Class A misdemeanor.

(b) The chief security officer must grant any reasonable request for permission under paragraph (a).

Laws 1961, p. 1983, § 21-6, added by P.A. 76-1581, § 2, eff. Sept. 26, 1969. Amended by P.A. 77-2638, § 1, eff. Jan. 1, 1973.

Formerly Ill.Rev.Stat.1991, ch. 38, § 21-6.

430 ILCS 66/65

(b) Notwithstanding subsections (a), (a-5), and (a-10) of this Section except under paragraph (22) or (23) of subsection (a), any licensee prohibited from carrying a concealed firearm into the parking area of a prohibited location specified in subsection (a), (a-5), or (a-10) of this Section shall be permitted to carry a concealed firearm on or about his or her person within a vehicle into the parking area and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. A licensee may carry a concealed firearm in the immediate area surrounding his or her vehicle within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within the vehicle's trunk, provided the licensee ensures the concealed firearm is unloaded prior to exiting the vehicle. For purposes of this subsection, "case" includes a glove compartment or console that completely encloses the concealed firearm or ammunition, the trunk of the vehicle, or a firearm carrying box, shipping box, or other container.

(Source: P.A. 98-63, eff. 7-9-13.)

3.6 Violence in the Workplace

All employees of DCFS are entitled to a safe workplace that is free from violence or the threat of violence. Workplace violence creates unsafe working conditions, undermines the safety of employees and will not be tolerated. The Department's policy of **Zero Tolerance** requires each employee to refrain from violence in the workplace.

An employee who commits an act of verbal or physical violence against a co-worker, supervisor, provider, client, or member of the general public is in violation of this policy and will be subject to disciplinary action, up to and including discharge. Additionally, that employee may also be charged under the Illinois Criminal Code for any offenses resulting from non-compliance with this policy.

The provisions of **Zero Tolerance** are as follows:

- An employee may not engage in any verbal communication “which places another person in reasonable apprehension of receiving battery” (720 ILCS 5/12-1). Assault by definition, includes offensive comments or threats from employee to employee, from employee to a member of the general public, or in any other interpersonal communication which occurs as a result of doing business with the Department. Racial and sexual epithets can be perceived as verbal acts of violence.
- Employees may not engage in any physical act which “intentionally or knowingly without legal justification and by any means 1) causes bodily harm to an individual or 2) makes physical contact of an insulting or provoking nature with an individual.” (720 ILCS 5/12-3.Battery)
- An employee may not engage in any intimidation with intent to cause another to perform or to omit the performance of any act. Such actions would include communicating to another, whether in person or by any other means of communication, a threat to inflict physical harm, physical restraint, expose a person to hatred, contempt or ridicule, or to “take action as a public official against anyone or anything or withhold official action, or cause such action or withholding.” (720 ILCS 5/12-6.Intimidation)

3.6 Violence in the Workplace (cont'd)

- An employee may not engage in any act of stalking as defined by 720 ILCS 5/12-7.3. Stalking. In general, stalking means two or more incidences of following another person or placing a person under surveillance when such actions are combined with the transmission of a threat of bodily harm, sexual assault, confinement or restraint. Stalking may be in person or by electronic communication.
- An employee may not engage in any other activity that is subject to the above provisions as addressed in the Illinois Criminal Code. This would include any violations which constitute a direct nexus to the employee's position within the Department.

3.7 Use of Intoxicants or Narcotics

It is the policy of the Department of Children and Family Services and the State of Illinois to provide its employees with a drug-free and alcohol-free workplace. Therefore, in accordance with the Drug-Free Workplace Act of 1988 (30 ILCS 580), the Department's Drug-Free Workplace Policy was enacted (attachment 3.7a). Employees are expected to comply with the following guidelines and procedures:

- The Department does not differentiate between infractions involving unlawful use, manufacture, distribution, or possession of a controlled substance or alcohol in the workplace.
- Employees must not possess, use, furnish, purchase or attempt to purchase, sell or offer open alcohol during non-work hours when they are formally representing the Department as part of their jobs, including periods of assigned stand-by. Employees found doing so may be subject to disciplinary action, up to and including discharge.
- Employees must not possess, use, furnish, purchase or attempt to purchase, sell or offer illegal substances, such as cocaine. Employees found doing so will be subject to discipline, up to and including discharge, and such incidents will be reported to the Illinois State Police as required by the Governor's Administrative Order Number 3.
- Employees suspected of being under the influence of a controlled substance or alcohol by observation of their actions, breath and/or appearance will not be permitted to drive, report to or remain at work.
- An employee can be discharged for illegal use or possession of controlled substances while off duty, when such use brings adverse criticism on the Department.

3.7 Use of Intoxicants or Narcotics (cont'd)

- Employees legitimately using prescription drugs/medication(s) may be exempt from this policy provided that they advise their supervisor, and that such use does not result in less than acceptable job performance and/or that their behavior does not bring adverse criticism on the Department.
- The Department recognizes drug and alcohol dependency as an illness and a major health problem. The Department also recognizes drug and alcohol abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use the Employee Assistance Program (EAP) or the Personal Service Program (PSP), as appropriate. (Chapter 4.0, Section 4.5)

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

DRUG-FREE WORKPLACE POLICY

The Illinois Department of Children and Family Services, because of its responsibility for services to protect and advocate on behalf of children and youth who are, or who are at risk of being abused, neglected or removed from their families and the sensitive nature of its work, has a compelling obligation to eliminate illegal and/or abusive drug use from its workplace.

The use of drugs or alcohol in the workplace is unacceptable because they adversely affect the health, safety and productivity of employees, as well as public confidence and trust. Chemical dependency and substance abuse interfere with an employee's performance of duties, reduce an employee's dependability, and create a problem for the entire organization. The Department is committed to protecting the health, well-being, and safety of employees and the public from the hazards caused by the misuse of drugs or alcohol by its employees.

The Department's policy sets forth objectives, guidelines and procedures that satisfy the requirements of the federal Drug-Free Workplace Act of 1988 (P.L. 100-690), as follows:

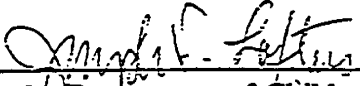
1. The Department recognizes chemical dependency and substance abuse as illnesses and major health problems. The Department's "drug-free awareness" program shall inform employees of its policy on maintaining a drug-free workplace, the dangers of substance abuse, the penalties for violations, available drug counseling, rehabilitation services, the Employee Assistance Program (EAP) and the Personal Support Program (PSP), administered by AFSCME.
2. Employees who have problems of chemical dependency or substance abuse are encouraged to use the Department's EAP with State health insurance plans, or the Union's PSP as appropriate. All discussions with EAP and PSP staff shall be kept confidential and consistent with the confidentiality policy of those programs. Efforts to seek such help will not jeopardize any employee's job nor will they be noted in any personnel record.
3. Employees are required to report to work in an appropriate mental and physical condition to perform the duties of their job. If a supervisor becomes aware that an employee's work may be adversely affected by the abuse of drugs or alcohol, then the supervisor is responsible for taking appropriate action, including referring the employee to the Employee Assistance Program (EAP) or the Personal Support Program (PSP). Furthermore, it is the policy of the Department to provide ongoing training of supervisory personnel with respect to the supervision of employees who may be having problems in the workplace as a result of alcohol or substance abuse.

4. Employees who are using prescription drugs or other medications that they believe or know may affect their job performance are responsible for bringing this matter to the attention of their supervisor. The use of controlled substances, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802), as part of a prescribed medical treatment program is not grounds for disciplinary action, but it is important for the Department to know such use is occurring and may affect job performance or personal safety.
5. Employees will not be under the influence of alcohol while on the job or formally representing the Department as part of their job, or while driving a state car. Employees also will not possess, use, furnish, sell or offer open alcohol during non-work hours when they are formally representing the Department as part of their jobs. This includes periods of assigned stand-by. This policy does not prohibit the consumption of alcohol by employees who are on travel status after their official duties are completed unless the employee is or will be driving on state business or in a state vehicle.
6. Employees must not possess, use, furnish, sell or offer illegal substances, such as cocaine. Employees found to be possessing, using, furnishing, selling or offering illegal substances will be subject to discipline up to and including discharge, and such incidents will be reported to the Illinois State Police as required by the Governor's Administrative Order Number 3.
7. Employees who engage in off-the-job or off-premises illegal drug activity that impairs their work performance, causes damage to the Department or public property, jeopardizes their own safety or that of co-workers, clients or the general public, or undermines the public's confidence in the Department will be subject to disciplinary action up to and including discharge.
8. Except as prescribed for personal use by a licensed medical practitioner, employees must not possess, use, furnish, sell or offer controlled substances, such as cocaine and morphine, while on the job, officially representing the Department during non-regular work hours, participating in and/or attending a Department activity, or while on any premises leased, owned, controlled, or used by the State of Illinois.
9. Each employee is required by federal law to inform the Department of any conviction he or she receives under a state or federal criminal drug statute for a violation occurring on or off State premises while conducting business of the Department. A written report of such a conviction must be made and submitted to the Director's Office within five (5) days after the conviction. A conviction means a finding or plea of guilty (including a plea of "nolo contendere") by any federal or State court, and/or the imposition of a sentence, even if such sentence has been suspended or consists only of a probationary sentence.

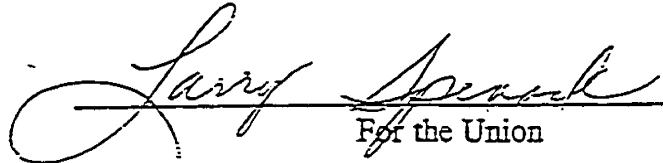
10. Every new employee shall receive a copy and explanation of this policy during orientation training and certify receipt of same. Likewise, all existing employees shall receive the same information during the educational sessions of the drug-free awareness program and certify receipt of same.

Through implementation of this policy a good faith effort is being made to continue to maintain a drug-free workplace.

EFFECTIVE DATE: October 4, 1995



For the Department of Children and Family Services



For the Union

3.8 Prohibited Political Activities

In accordance with the State Officials and Employees Ethics Act (see Section 3.12, attachment 3.12a), **a State employee cannot participate in any of the following activities during work time.** If you want to engage in any of these activities during work hours, you must use accrued benefit time. An employee may **never** engage in any of these activities using work facilities or equipment (such as state office telephones, state cell phones, photocopiers, or computers).

- **Prepare for, organize, or participate in any political meeting, political rally, political demonstration, or other political event.**

This includes, for example, sending an e-mail about a political rally to friends and colleagues during work hours or from a work computer, or making a telephone call during your workday from a work telephone to a campaign office about an event.

- **Solicit contributions, including but not limited to purchasing, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.**

You cannot ask your office colleagues or your employees for political contributions or to buy a ticket to a political event while you are in the office or during the workday.

- **Solicit, plan the solicitation of, or prepare any document or report regarding any thing of value intended as a campaign contribution.**

You cannot, for example, write up a plan for a political fundraising event while you are at the office.

- **Plan, conduct, or participate in a public opinion poll in connection with a campaign for elective office, on behalf of a political organization for political purposes, or for or against a referendum.**

While you are at work, you cannot conduct or participate in a poll for a political organization on an issue or about a candidate.

- **Survey or gather information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office, on behalf of a political organization, or for or against a referendum.**

While at work, you cannot survey your colleagues on behalf of a candidate or campaign on how they are going to vote. However, this does not mean that you and your colleagues cannot talk casually about an upcoming election.

- **Assist at the polls on Election Day on behalf of any political organization, political candidate, or referendum question.**
- **Solicit votes on behalf of a candidate, political organization, for or against a referendum, or help in an effort to get voters to the polls.**

For example, you cannot distribute campaign literature in the office during your work hours.

3.8 Prohibited Political Activities (cont'd)

- **Initiate, prepare, circulate, review or file a petition.**

For example, you cannot pass around a petition for a referendum at your work site.

- **Make a contribution on behalf of any candidate for elective office.**

While you can make a contribution to a candidate while you are at home, you cannot do so in the office, on the work site, or during work hours.

- **Prepare or review responses to candidates' questionnaires.**
- **Distribute or prepare campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office.**

You cannot use your office photocopier or office computer to prepare any type of campaign material.

- **Campaign for an elective office or a referendum.**
- **Manage or work on a campaign for elective office or a referendum.**

Any campaign work you engage in must be on personal time.

- **Do work related to serving as a delegate, alternate, or proxy to a political party convention.**

You must take accrued benefit time to serve as a delegate at a political convention.

- **Participate in a vote recount.**

Prohibited Offer or Promise

A State employee **cannot** promise anything of value related to State government in consideration for a contribution to a political committee, political party or a candidate for political office.

- **What is “anything of value related to State government”?**—For example, job positions or appointments in State government, promotions, salary increases, or the award of a state contract.

Contributions on State Property

Political campaign contributions **cannot** be solicited, accepted, offered or made on State property.

- **What is State Property?**—Any building or portion of a building owned or exclusively leased by the State or a State agency. This includes an office of the State within a privately owned office building.
- **What is NOT State Property?**—Any portion of a building that is rented or leased from the State or any State agency by a private person or entity is not State property. For example, a privately owned restaurant within a state building, or a private party being held in part of a State building that the private person

3.8 Prohibited Political Activities (cont'd)

has rented for the evening. Also, a state employee's own personal residence is not State property, unless it is owned or paid for with State funds.

- **Inadvertent contribution.**—An inadvertent solicitation, acceptance, offer or making of a contribution is **not** a violation if reasonable and timely action is taken to return the contribution to its source.

Elected Office

In accordance with the Hatch Act Modernization Act of 2012 (attachment 3.8a), employees whose salary is paid completely, directly or indirectly, by federal loans or grants are prohibited from running for partisan elective office.

Before entering a race as a candidate in a partisan election, employees must inform their immediate supervisor and the DCFS General Counsel of their intent to run for elective office via email to initiate the determination of the funding source of their salary. The email should include the employee's current position, the elective office sought, and when the nominating petitions or other means of applying to run are due.

If the determination is that the employee's salary is paid completely, directly or indirectly, by federal funds or grants, the employee must resign his/her position with the Department or remove his/her name from consideration in the identified election.

If the determination is that the employee's salary is NOT paid completely, directly or indirectly, by federal funds or grants, the employee may run for the partisan elective office without resigning or going on leave of absence from the Department. As a candidate for elective office, employees must comply with Department rules and procedures and the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq. Those requirements include, but are not limited to:

- Employees are expressly prohibited from engaging in political activities on state time and from using state resources for anything other than state business purposes.
- At no time while on state time and/or using state resources (state office phones, state cell phones, state photocopiers, state computers, etc.) are employees to engage in political activities of any sort on their behalf or on behalf of any other campaign, candidate, or engage in any other political endeavor.

3.8 Prohibited Political Activities (cont'd)

Employees who decide to become candidates for elective office are responsible for familiarizing themselves with the applicable Department rules and procedures and State Officials and Employees Ethics Act. Failure to comply with these requirements may result in discipline, up to and including discharge.

Additional information about the Hatch Act or Hatch Act Modernization Act of 2012 may be obtained by contacting the United States Office of Special Counsel, 1730 M Street, N.W., Suite 218, Washington, D.C., 20036 or calling (202) 254-3600.

S. 2170

One Hundred Twelfth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,
the third day of January, two thousand and twelve*

An Act

To amend the provisions of title 5, United States Code, which are commonly referred to as the "Hatch Act", to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hatch Act Modernization Act of 2012".

SEC. 2. PERMITTING STATE AND LOCAL EMPLOYEES TO BE CANDIDATES FOR ELECTIVE OFFICE.

Section 1502(a)(3) of title 5, United States Code, is amended to read as follows:

"(3) if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency, be a candidate for elective office."

SEC. 3. APPLICABILITY OF PROVISIONS RELATING TO STATE AND LOCAL EMPLOYEES.

(a) STATE OR LOCAL AGENCY.—Section 1501(2) of title 5, United States Code, is amended by inserting ", or the executive branch of the District of Columbia, or an agency or department thereof" before the semicolon.

(b) STATE OR LOCAL OFFICER OR EMPLOYEE.—Section 1501(4) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

"(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by—

"(i) a State or political subdivision thereof;

"(ii) the District of Columbia; or

"(iii) a recognized religious, philanthropic, or cultural organization."

(c) EXCEPTION OF CERTAIN OFFICERS.—Section 1502(c)(3) of title 5, United States Code, is amended—

(1) by striking "or municipality" and inserting ", municipality, or the District of Columbia"; and

(2) by striking "or municipal" and inserting ", municipal, or the District of Columbia".

(d) MERIT SYSTEMS PROTECTION BOARD ORDERS.—Section 1506(a)(2) of title 5, United States Code, is amended by inserting

“(or in the case of the District of Columbia, in the District of Columbia)” after “the same State”.

(e) PROVISIONS RELATING TO FEDERAL EMPLOYEES MADE INAPPLICABLE.—Section 7322(1) of title 5, United States Code, is amended—

- (1) in subparagraph (A), by adding “or” at the end;
- (2) in subparagraph (B), by striking “or” at the end;
- (3) by striking subparagraph (C); and
- (4) by striking “services,” and inserting “services or an individual employed or holding office in the government of the District of Columbia;”.

(f) EMPLOYEES RESIDING IN CERTAIN MUNICIPALITIES.—Section 7325(1) of title 5, United States Code, is amended to read as follows:

“(1) the municipality or political subdivision is—

“(A) the District of Columbia;

“(B) in Maryland or Virginia and in the immediate vicinity of the District of Columbia; or

“(C) a municipality in which the majority of voters are employed by the Government of the United States; and”.

SEC. 4. HATCH ACT PENALTIES FOR FEDERAL EMPLOYEES.

Chapter 73 of title 5, United States Code, is amended by striking section 7326 and inserting the following:

“§ 7326. Penalties

“An employee or individual who violates section 7323 or 7324 shall be subject to removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed \$1,000.”.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

(b) APPLICABILITY RULE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by section 4 shall apply with respect to any violation occurring before, on, or after the effective date of this Act.

(2) EXCEPTION.—The amendment made by section 4 shall not apply with respect to an alleged violation if, before the effective date of this Act—

(A) the Special Counsel has presented a complaint for disciplinary action, under section 1215 of title 5, United States Code, with respect to the alleged violation; or

S.2170—3

(B) the employee alleged to have committed the violation has entered into a signed settlement agreement with the Special Counsel with respect to the alleged violation.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

3.9 Conflict of Interest

Employees and/or contractors of the Department must familiarize themselves with and adhere to DCFS Rule 437 (attachment 3.9a), which addresses conflicts of interest. A conflict of interest occurs when an employee's private interest(s) conflicts with the duties and responsibilities of his/her employment. Department employees may eliminate actual and/or apparent conflicts of interest by avoiding any connection with a regulated or provider facility or agency, or one holding a license to operate a child care facility regulated by the Department.

DCFS Rule 437 specifies in part:

- No employee of the Department may serve in any capacity with any facility or agency, on either a full-time or part-time basis, with which the Department has a grant, contract or purchase of service agreement to the extent that the service or employment creates a conflict of interest. Foster family licenses and day care home licenses are exempted from this restriction.
- No employee shall be involved in any decision-making function that impacts any child care facility or any entity that has a grant, contract, purchase of service agreement or adoption assistance agreement with the Department in which the employee or any immediate family member of the employee has an economic interest.
- An employee who accepts secondary employment that might adversely affect, or give the appearance of affecting, his or her official duties or that might adversely affect public confidence in the integrity of the Department shall notify his or her immediate supervisor. The supervisor shall review the employment for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Conflict of Interest Committee in making a determination regarding whether a conflict exists.
- No employee may act as a consultant, paid or unpaid, to any facility or agency if such consultation enables the facility or agency to meet Department licensing requirements or to secure Department approval for program or staffing.

3.9 Conflict of Interest (cont'd)

- Employees are required to describe in writing all of their affiliations or connections which appear to violate the prohibitions contained in this Rule, and to forward them to the Regional or Division Administrator and the Conflict of Interest Committee at 217/524-1983 or via Outlook at Conflict of Interest Committee (internet address:coninter@idcfs.state.il.us). If an employee is unsure as to whether a conflict exists, the employee and immediate supervisor should contact the Conflict of Interest Committee.
- When an employee or spouse seeks to become licensed as a foster family home or day care home, the study to determine compliance with licensing standards and the supervision, monitoring and evaluation of the home shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee.

The Department does not discourage employees from volunteering their own time to agencies and organizations when such activity does not influence the Department's statutory duties or contract and grant programs. In circumstances where a Department employee is considering an educational (MSW) field placement within a private agency/facility, clearance should be sought through the administrator via the Conflict of Interest Committee.

In addition, employees of the State of Illinois are bound by the provisions of the Illinois Procurement Code, 30 ILCS 500/50-13. This states, in part, that anyone employed by the state, or who is the spouse or minor child of a state employee, may not acquire any contract or any direct pecuniary interest in any contract which will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly.

Payments to a Public Aid recipient are not within the meaning of this section. This section also does not apply to:

1. A contract for personal services as a teacher or school administrator,
2. A contract for personal services of a wholly ministerial character,
3. Payments for acting as a foster parent, homemaker, advocate or volunteer for the Department.

Any request for exception to the Illinois Procurement Code must be sent to the Department's State Procurement Officer.

3.9 Conflict of Interest (cont'd)

Guidelines to Help Avoid Conflicts of Interest:

- Employees should not accept, or agree to accept, any form of compensation or consideration other than salary from the Department for any services rendered as part of the normal duties and responsibilities within their job. Employees who receive pay for court appearances must remit such payment to the Payroll office for deposit in the State Treasury.
- Employees should not participate, without prior approval from the Conflict of Interest Committee, in any business transactions with the state by a private business whereby the employee, the spouse, or the employee's children have a financial or beneficial interest (i.e., investment capital, stocks, or "family-owned" business).
- Employees who have a financial or beneficial interest with an entity that transacts business with the state should not:
 - participate on a private basis in any transaction by that entity with any governmental body;
 - make use of or disclose official information not available to the general public; or
 - provide assistance which would give the entity an unfair advantage in the conduct of its business.
- Employees should not directly or indirectly solicit, accept, or agree to accept for themselves, another person, or entity, anything of value to influence the performance of the job or to create the opportunity for the commission of fraud against the state.
- Employees should not imply or allow to be inferred that they represent the Department or the state in any situation which is not related to their official duties.
- Employees should not show, through work or action, any preferential attitude or treatment to any person, group, or entity in the performance of official duties.

3.9 Conflict of Interest (cont'd)

- Employees who are given an assignment by the Department that involves a person, group, or other entity with which they have a personal, financial, or beneficial relationship, should notify their supervisor immediately and disqualify themselves from any official action related to the assignment.

If an employee believes his/her professional involvement with a client may be compromised for any reason, the employee should seek supervisory direction, as reassignment of the case may be advisable. Examples may include a social friendship between a client and employee or a strained relationship between the two due to hostile client actions (e.g., death threats).

Questions regarding potential conflicts of interest should be referred to the Conflict of Interest Committee at 217/524-1983 or via Outlook at Conflict of Interest Committee (internet address:coninter@idcfs.state.il.us), and/or the Ethics Officer in the Office of Legal Services at 312/814-2401 or via email to DCFS.EthicsOfficer@illinois.gov. Failure to comply with the provisions of DCFS Rule 437 could result in disciplinary action up to and including discharge.

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER f: GENERAL ADMINISTRATION

PART 437

EMPLOYEE CONFLICT OF INTEREST

- 437.1 Purpose (Repealed)
- 437.2 Definitions (Repealed)
- 437.3 Department Statutory Responsibilities (Repealed)
- 437.4 Prohibition of Employee Interests Which May Influence the Department's Statutory Duties (Repealed)
- 437.5 Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs (Repealed)
- 437.6 Prohibitions Under the Illinois Purchasing Act (Repealed)
- 437.7 Requirements of the Governmental Ethics Act (Repealed)
- 437.8 Prohibition of Employee Conflicts in the Care of Children (Repealed)
- 437.9 Violations of Part 437 (Repealed)
- 437.10 Purpose
- 437.20 Definitions
- 437.30 Department Statutory Responsibilities
- 437.40 Prohibition of Employee Interests and Conduct Creating Impropriety or the Appearance of Impropriety
- 437.50 Prohibitions Under the Illinois Procurement Code
- 437.60 Requirements of the Governmental Ethics Act
- 437.70 Prohibition of Employee Conflicts in the Care of Children
- 437.80 Requirements of Executive Order #3 (1977)
- 437.90 Violations of Part 437

AUTHORITY: Implementing and authorized by Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/Art. 4A]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]; Section 4 of the Children and Family Services Act [20 ILCS 505/4]; and Article 50 of the Illinois procurement Code [30 ILCS 500].

SOURCE: Adopted and codified at 5 Ill. Reg. 13139, effective November 30, 1981; amended at 7 Ill. Reg. 8520, effective July 22, 1983; amended at 9 Ill. Reg. 2661, effective March 1, 1985; amended at 13 Ill. Reg. 3339, effective March 1, 1989; amended at 19 Ill. Reg. 6311, effective May 1, 1995; emergency amendment at 21 Ill. Reg. 11593, effective August 15, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR Objection at 21 Ill. Reg. 14096; emergency expired January 12, 1998; amended at 22 Ill. Reg. 5484, effective March 16, 1998; amended at 22 Ill. Reg., effective December 15, 1998.

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Section 437.1 Purpose (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.2 Definitions (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.3 Department Statutory Responsibilities (Repealed)

Section 437.4 Prohibition of Employee Interests Which May Influence the Department's Statutory Duties (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.5 Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.6 Prohibitions Under the Illinois Purchasing Act (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.7 Requirements of the Governmental Ethics Act (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.8 Prohibition of Employee Conflicts in the Care of Children (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.9 Violations of Part 437 (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.10 Purpose

The purpose of this Part is to define and prohibit all employee impropriety and the appearance of any impropriety. This Part applies to employee conduct in relationship to any entity which is licensed or regulated by the Department of Children and Family Services or which provides services for the Department pursuant to a grant, contract, or purchase of service agreement from or with the Department and families with whom the Department has adoption assistance agreements.

(Source: Added at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.20 Definitions

"Child care facility," as used in this Part, means a "facility for child care" as defined by the Child Care

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Act of 1969 [225 ILCS 10/2.05], and includes any child care institution, child welfare agency, day care center, part-day child care facility, day care agency, group home, foster family home, day care home, group day care home, or youth emergency shelter.

The term "foster family home" includes the residences of related children placed by the Department and the residences of families that receive children for purposes of adoption. The term "foster family home" is further defined in Section 2.17 of the Child Care Act of 1969.

"Conflict of interest" means an employee uses his or her official position for private gain (other than salary), gives preferential treatment to any entity or person in the conduct of official duties because of personal interest, impedes or adversely affects efficiency or economy because of personal interest, fails to act impartially in the conduct of official duties because of personal interest, or engages in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services. The term also means that the circumstances are such that a reasonable person might conclude that an individual's judgement could be influenced by the nature of the circumstances or the individual(s) involved. Conflicts of interest may be actual or potential.

"Decision-making function" or "decision-making authority" means that an individual's duties include, but are not limited to, the referral or transfer of any applicant for or client of Department services to a child care facility or other entity; the supervision, monitoring, licensing, or evaluation of a child care facility or other entity; or the decision whether to award or refuse to award a contract or grant to a child care facility or other entity.

"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

"Economic interest" means any form of ownership, debt interest or contract whereby the individual may incur monetary gain or loss. The term does not include a contract for teaching services at a public or private college, community college or university.

"Employee" or "State employee" means an individual who on a full-time or part-time basis receives remuneration from the Department for services performed. For purposes of this Part, the term "employee" includes an individual who receives remuneration directly from the Department pursuant to a contract for personal services.

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"Immediate family member" means any of the following relationships by blood, marriage or adoption: wife, husband, son, daughter, mother, father, sister, brother, or a legal dependent as claimed on the most recent federal income tax return.

"Personal interest" means that one has the potential to gain or lose money, other consideration, gifts, favors, or preferential treatment for oneself or another depending upon the outcome of a decision, review or other transaction.

"Personal relationship" means related by blood, marriage or adoption, or that one has or has had a social, business or other relationship that has the potential to influence or affect one's objectivity.

"Significant working relationship" means a relationship that involves direct or indirect supervision or shared work responsibility.

"State agencies," as defined by the Illinois State Auditing Act [30 ILCS 5], *means all officers, boards, commissions, and agencies created by the Constitution, whether in the executive, legislative or judicial branch, but other than the circuit court; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State and administrative units or corporate outgrowths of State government which are created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor.*

(Source: Added at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.30 Department Statutory Responsibilities

The Department of Children and Family Services has statutory responsibilities regarding minors adjudicated under the Juvenile Court Act of 1987 [705 ILCS 405]; minors placed with the Department through voluntary placement agreements with parents, guardians or custodians; minors placed with the Department through adoptive surrenders, or otherwise provided services in accordance with the Children and Family Services Act [20 ILCS 505]; the licensing of child care facilities under the Child Care Act of 1969 [225 ILCS 10]; and the operation of programs. These statutory duties include securing appropriate care for minors through foster care or purchase of service agreements with public or private agencies.

(Source: Added at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.40 Prohibition of Employee Interests and Conduct Creating Impropriety or the Appearance of Impropriety

- a) No employee shall use his or her official position for private gain (other than salary), give preferential treatment to any person or entity in the conduct of official duties because of personal interest, impede or adversely affect governmental efficiency or economy because of personal interest, fail to act impartially in the conduct of official duties because of personal interest, or engage in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services.
- b) No employee shall serve in any capacity with, or be employed on a full-time or part-time basis by, any child care facility as defined in Section 437.20 or any entity that

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has a grant, contract or purchase of service agreement with the Department, to the extent that such service or employment creates a conflict of interest, as defined in Section 437.20. Foster family home and day care home licensees are exempt from this restriction.

- c) No employee shall act as a consultant, paid or unpaid, to any entity if such consultation enables the entity to meet Department licensing requirements, obtain a grant, contract, or purchase of service agreement with the Department, or secure Department approval for program or staffing to the extent that such consultation creates a conflict of interest as defined in Section 437.20.
- d) Any employee who serves on the board of directors or professional advisory committee, in either a paid or unpaid capacity, of any child care facility as defined in Section 437.20 or any entity that has a grant, contract or purchase of service agreement with the Department shall immediately notify the Director of the Department or designee. Such notification shall result in the employee not being involved in any decision-making function that impacts that child care facility or entity. Service on a board of directors or professional advisory committee may result in a determination that such service presents an inherent conflict of interest and that the service must be terminated. Further, an employee receiving payment or reimbursement for travel expenses (transportation, lodging, per diem) related to serving on a board of directors or professional advisory committee shall report those payments or reimbursement to the Office of Internal Audits when the aggregate amount exceeds \$200 within a calendar year for service on a single board of directors or professional advisory committee. An employee appointed to a board of directors or professional advisory committee by the Director to meet the requirements of a statute or Executive Order is exempt from the provisions of this Subsection.
- e) An employee shall conduct official business impartially and with the object of fulfilling the statutory responsibilities of the Department. No employee shall use his or her official position to benefit the economic interest, private or personal interest of himself or herself or persons with whom he or she has a personal relationship.
- f) No employee shall solicit or accept any payment, gift, favor, service, loan or entertainment or other consideration for themselves or others under circumstances that might reasonably be construed to influence the performance of his or her official duties.
- g) No employee shall solicit or accept any payment, gift, favor, service, discount, loan, entertainment or other consideration from any entity or child care facility as defined in Section 437.20 or any entity that has a grant, contract, or purchase of service agreement, or adoption assistance agreement with the Department over which the employee has decision-making authority.
- h) No employee may accept an honorarium for speeches, panel participation or written materials when:
 - 1) he or she is speaking or writing as a representative of the Department; or

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- 2) the speaking or writing engagement occurs during the employee's scheduled work time (unless earned benefit time is used); or
 - 3) travel and related expenses are paid by the State.
- i) An employee may accept a nominal token of appreciation or courtesy (such as meals, floral arrangements, plaque, certificate, cup or similar item) for participating in a governmental, civic, professional, athletic or similar event. The value of the token(s) accepted from a single source shall not exceed \$50 per calendar year. Excluded from this restriction is any certificate or award publicly presented in recognition of public service. Any employee receiving such tokens that exceed \$200 in value in the aggregate regardless of source during a single fiscal year shall notify the Department's Office of Internal Audits within 30 days after receiving the token(s) that exceeds the allowable limit. Such notification shall be in writing and identify the items received, the dates the items were received, and the names of the donor organization(s) or individual(s).
 - j) Any payment, gift, favor or other consideration not authorized for acceptance by subsection (i) above shall be returned to the donor immediately.
 - k) No employee who has a contract for future employment or is negotiating concerning possible future employment with any child care facility, as defined in Section 437.20, or any entity that has a grant, contract or purchase of service agreement with the Department shall be involved in any decision-making function that impacts that facility or entity.
 - l) No employee shall be involved in any decision-making function that impacts any child care facility, as defined in Section 437.20, or any entity that has a grant, contract purchase of service agreement or adoption assistance agreement with the Department in which the employee or any immediate family member of the employee has an economic interest. When an employee or an immediate family member of an employee has an economic interest in such a facility or entity, and the employee is involved in any decision-making function that impacts that child care facility or other entity, the employee shall immediately notify the Director of the Department or designee. Such notification shall result in the employee's not being involved in any decision-making function that impacts that child care facility or other entity, and may result in a determination that an inherent conflict of interest is present that requires that the employee terminate his or her employment.
 - m) No employee shall participate in any way in the hiring, supervision, or evaluation of any immediate family member as defined by this Part.
 - n) When an employee is the owner, director, officer, or manager of an entity that seeks to become licensed as a child care facility as defined in Section 437.20, other than a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by a Department region other than that in which the individual is employed and by employees who have no significant working relationship or personal relationship with the individual. If such a license is granted, the employee must resign his or her employment before commencing any operations as such a child care facility. For the first five years of such operations, the child care facility shall be supervised, monitored, licensed, and evaluated by Department region other than that in which the individual was previously employed and by employees

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who had no significant working relationship with the individual while employed and always by employees who have no personal relationship with the individual.

- o) When an employee or spouse seeks to become licensed as a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If such license is granted, the employee may continue his or her employment while operating the foster family home or day care home. The employee's or spouse's foster family home or day care home shall be supervised, monitored, licensed and evaluated by an agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The employee shall consult with appropriate supervisors to make sure his or her official duties do not involve any interaction with the agency responsible for supervising, monitoring, licensing, or evaluating the employee's foster family home or day care home. If the employee or spouse seeks to apply for a license to operate a day care home, but there is no licensed child welfare or day care agency that processes day care home licenses within 50 miles of the employee's residence, the employee can submit a request in writing to the Office of Internal Audits seeking an exemption from the requirements of this subsection, but only as the exemption pertains to day care homes. For purposes of this subsection only, the term "employee" or "State employee" does not include licensed foster parents with whom the Department contracts to provide support services to other Department supervised foster parents.
- p) When an employee or spouse seeks to adopt a child or apply for adoption assistance, the study to determine the appropriateness of the adoption or eligibility for adoption assistance shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If an adoption assistance agreement is entered into, on-going maintenance of that agreement shall be by a Department region other than that in which the individual is employed and by employees who have no significant working relationship with the employee involved. Service responsibility for any employee currently involved in adopting a child or applying for or receiving adoption assistance shall be transferred by June 30, 1999 to a private agency or region other than that in which the individual is employed.
- q) An employee who holds a valid license as a child care facility shall comply with the provisions of this Part immediately, except that, if necessary, transfer of the supervision, monitoring, licensing, and evaluation of a foster family home or day care home to an agency other than the Department shall be accomplished by January 15, 1999 or prior to the renewal of the license, whichever occurs first.
- r) An employee called as a witness in a court proceeding or administrative hearing on the basis of his or her official position or knowledge as a Department employee may not accept payment for such an appearance. Any payment or fees received shall be made payable to the Treasurer, State of Illinois, and turned over to the immediate supervisor. An employee called as a witness in a court proceeding or administrative hearing shall notify his or her immediate supervisor. The supervisor shall review the appearance for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Office of Internal Audits in making a determination of whether a conflict exists.

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- s) An employee who accepts secondary employment that might adversely affect, or give the appearance of affecting, his or her official duties or that might adversely affect public confidence in the integrity of the Department shall notify his or her immediate supervisor. The supervisor shall review the employment for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Office of Internal Audits in making a determination regarding whether a conflict exists. Any such employment must comply with the Illinois Purchasing Act [30 ILCS 505]. (See Section 437.50.)
- t) An employee engaged in any secondary employment shall not permit such employment to interfere with his or her official duties and shall not use his or her relationship with the Department to promote his or her secondary employment.
- u) When an employee or any person with whom the employee has a personal relationship is the subject of an investigation or review conducted by the Office of Inspector General, Office of Internal Audits, child protection, licensing, or other Department unit, the employee shall not use his or her status as an employee to influence or interfere with the investigation or review. The employee shall not participate in any decision-making regarding the results of the investigation or review, and shall have access to the record(s) of the investigation or review only as authorized by applicable statute or regulation. When the employee normally has authority over the person or persons responsible for the investigation or review, responsibility for the investigation or review and decision-making shall be transferred to a person or entity with no apparent conflict of interest.

(Source: Amended at 22 Ill. Reg., effective December 15, 1998)

Section 437.50 Prohibitions Under the Illinois Procurement Code

- a) Employees who are receiving remuneration for services as State employees of the Department are subject to the provisions of the Illinois Procurement Code [30 ILCS 500]. Very generally, the Illinois Procurement Code prohibits certain contracts and economic interests of State employees, their spouses, and minor children. It also contains reporting requirements and exemption provisions. All State employees must comply with the provisions of the Illinois Procurement Code. State employees should, therefore, consult the Code to make sure that they are in compliance with it. If necessary, employees shall seek the assistance of the Department's Office of Internal Audits in making a determination of whether they are in compliance with the Code.
- b) Section 50-13 of the Illinois Procurement Code excludes from its conflict of interest provisions *payments made to an employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department. Also excluded are contracts for personal services as a teacher or school administrator at any school district, public community college district or State university.*

(Source: Amended at 22 Ill. Reg., effective December 15, 1998)

Section 437.60 Requirements of the Illinois Governmental Ethics Act

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- a) Employees who are receiving remuneration for services as State employees of the Department are required by Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/Art. 4A] to file a yearly statement disclosing their economic interests when they:
 - 1) *are, or function as, the head of a department, commission, board, division, bureau, authority or other administrative unit within the government of this State, or who exercise similar authority within the government of this State;*
 - 2) *have direct supervisory authority over, or direct responsibility for, the formulation, negotiation, issuance or execution of contracts entered into by the State in the amount of \$5,000 or more;*
 - 3) *have authority for the issuance or promulgation of rules and regulations within areas under the authority of the State;*
 - 4) *have authority for the approval of professional licenses;*
 - 5) *have responsibility with respect to the financial inspection of regulated nongovernmental entities;*
 - 6) *adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding, within the authority of the State; or*
 - 7) *have supervisory responsibility for 20 or more employees of the State.(Section 4A-101 of the Act)*
- b) Employees affected by the Act will be notified by mail from the Secretary of State's Index Department regarding the requirement to file a Statement of Economic Interest. Any employee who is required to file a Statement of Economic Interest, but fails to file the Statement by May 1 of each year, will be subject to a \$15 late filing fee. Any employee who fails to file the Statement by May 15 shall be subject to a penalty of \$100 per day from May 16 to the date that the Statement is filed with the Secretary of State. This penalty is in addition to the \$15 late filing fee associated with the May 1 deadline. Failure to file by May 31 of each year shall result in the forfeiture of employment.
- c) Any employee who willfully files a false or incomplete Statement of Economic Interest shall be guilty of a Class A misdemeanor.

(Source: Added at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.70 Prohibition of Employee Conflicts in the Care of Children

No employee shall take a child for whom the Department is legally responsible to the employee's residence, or in any way be involved in arranging or facilitating the transportation of such a child to the employee's residence, unless:

- a) the employee is a licensed foster parent or unlicensed relative caregiver and the child has been placed with the employee for foster care or adoption purposes.

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Placement of a child with an employee must be approved by the administrator responsible for the region; or

- b) the person(s) responsible for the day to day care of the child has consented to the child's visit to the employee's residence or has authorized the employee to transport the child in-state and, for purposes of transportation, the employee has a valid driver's license, insurance as required by law, and uses appropriate child safety restraint devices; or
- c) a child age 16 or over has been placed in an independent living arrangement, supervised by a different employee or another agency, and the child is residing in an apartment or other separate unit of the building where the employee resides; or
- d) the administrator responsible for the region has approved the child staying overnight at the employee's residence because of inclement weather or other emergency. Verbal approval by the administrator must be confirmed in writing the next business day.

(Source: Added at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.80 Requirements of Executive Order #3 (1977)

- a) In addition to the requirements of the Illinois Governmental Ethics Act, certain employees in critical government positions are required to file a Statement of Personal Economic Disclosure. This is a requirement of Executive Order #3 (1977), "Personal Economic Disclosure." Staff included under Executive Order #3 are the following: appointed by the Governor; approve and certify vouchers, issuance of contracts, licensing, financial inspection of regulated private entities; staff in policy-making positions; or such other responsibilities determined to have potential conflict of interest.
- b) The Department's Office of Internal Audits contacts each employee subject to Executive Order #3 by memorandum instructing them to complete the attached Statement of Economic Interest that is attached to the memorandum and return it to the State Board of Ethics no later than April 30 of each year. Failure to file in a timely manner, or the willful making of a false, misleading, or incomplete Statement of Economic Interest or failure to cooperate with the State Board of Ethics shall be grounds for disciplinary action, including dismissal.

(Source: Added at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.90 Violations of Part 437

- a) Strict compliance with all of the provisions of this Part is mandatory and any non-compliance may subject the employee to criminal penalties, suspension, or discharge from employment.
- b) Any employee who has reasonable cause to believe that an employee is in violation of any of the provisions of this Part shall refer the matter to the Department's Office of Internal Audits.

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- c) The Department may require any employee who appears to be in violation of any of the provisions of this Part to document all of his or her actions undertaken in order to comply with all of the provisions of this Part.
- d) Discipline imposed for violations of this Part will be based, in part, upon whether the employee:
 - 1) Used his or her official position for private gain (other than salary);
 - 2) Gave preferential treatment to any entity or person in the conduct of official duties because of personal interest or personal relationship;
 - 3) impeded or adversely affected governmental efficiency or economy because of personal interest or personal relationship;
 - 4) Failed to act impartially in the conduct of official duties because of personal interest or personal relationship; or
 - 5) Engaged in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services.

(Source: Added at 22 Ill. Reg. 5484, effective March 16, 1998)

3.10 Code of Ethics

The Code of Ethics for Child Welfare Professionals (attachment 3.10a), approved January 1996, sets forth the values and ethical principles which form the foundation of the child welfare field and is intended to guide practice decisions both within DCFS and within the private agencies with which it contracts. The Code of Ethics further reflects the public acknowledgment and acceptance of our child welfare professional's authority to intervene and attempt to meet the needs of abused and neglected children and their families.

A Child Welfare Ethics Advisory Board appointed by the Inspector General serves as an advisory body regarding issues arising under the Code of Ethics. The Ethics Board is comprised of individuals from DCFS, private agencies, the courts and universities who have experience in a broad range of child welfare activities. The Board also serves as a resource for child welfare professionals who have questions about ethical issues arising in practice situations. Attachment 3.10b outlines the role of the Ethics Board and the process by which issues are reviewed.

Code of Ethics For Child Welfare Professionals



STATE OF ILLINOIS

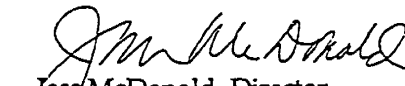
JESS McDONALD
DIRECTOR

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

CODE OF ETHICS FOR CHILD WELFARE PROFESSIONALS

Child welfare professionals are society's representative in its attempts to meet the needs of abused and neglected children and their families. The authority delegated to them to intervene in the lives of families is accompanied by the responsibility to act in a professional manner.

The Code of Ethics for Child Welfare Professionals is the public acknowledgement and acceptance of that responsibility. It sets forth the values and ethical principles which form the foundation of the child welfare field and is intended to guide practice decisions both within the Department of Children and Family Services and within the private agencies with which it contracts. It is also a statement of shared commitments held by professionals working to improve the child welfare field and our promise to our clients and to society that we are worthy of their trust.


Jess McDonald, Director


Denise Kane, Inspector General

Code of Ethics



for

Child Welfare Professionals

published by the
Illinois Department of Children and Family Services

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Code of Ethics for Child Welfare Professionals

PREAMBLE

Society values each child's natural right to have basic needs for survival and development met and each child's natural right to live with his/her parents. Society also values each parent's natural right to rear his/her child, but through its child welfare laws, defines certain situations in which the parent's rights can be limited so that the child can be protected. Society delegates to the child welfare field and to those who become members of the field the authority to intervene in the lives of families with the goals of ensuring the safety of abused and neglected children, assisting parents in meeting minimum parenting standards, and planning alternative permanent care when parents are incapable of or unwilling to meet those standards.

The child welfare professional is a person who functions in a societally sanctioned decisionmaking capacity for neglected and/or abused children and their families. When individuals accept the role of child welfare professional and the delegated authority inherent in that role, they publicly acknowledge having the professional responsibilities which accompany that authority. Society and agency clients, therefore, have legitimate expectations about the nature of professional intervention as it occurs in one-on-one professional/client interactions, in the management and administration of those providing intervention, and in policy decision-making.

Because of their special knowledge and authority, all professionals are in a position of power in inherently unequal relationships with their clients. The power of child welfare professionals is particularly daunting because of their delegated state authority and the mandated nature of their professional/client relationships. Their clients and society must be able to trust that child welfare professionals are working with their clients' interests in mind with no element of disrespect, punishment, or personal bias. Child welfare professionals must behave in such a manner as to ensure not only that their delegated authority is exercised appropriately but that their clients and society perceive their use of authority as appropriate.

Child welfare professionals' responsibilities to clients are grounded in a fiduciary relationship with its promise of trustworthy intervention in the lives of those less powerful. This type of relationship entails certain responsibilities based on the values of respect for persons, client self-determination, individualized intervention, competence, loyalty, diligence, honesty, promise-keeping, and confidentiality. Child welfare professionals' responsibilities to colleagues, supervisees, foster parents, the court, employees, the child welfare field, and society also find their roots in many of the same values—respect for persons, honesty, promise keeping, and loyalty—as well as in the values of accepting the responsibility for one's actions and their consequences and holding professional behavior to a standard higher than self-interest.

This code of ethics sets forth ethical principles which should be considered by child welfare professionals whenever ethical judgment must be exercised in specific situations and which should become habitual guides to daily conduct. It sets standards of behavior to be adhered to in relationships between professionals and their clients, colleagues, supervisees, foster parents, the court, employees, the child welfare field, and society. Its purpose is to assist in identifying the many and often competing values and responsibilities present in practice issues so that appropriate consideration is given to each value and responsibility in the decision-making process.

It is understood that ethical judgments are made by individuals who bring their personal values, culture, and experiences to the decision-making process. By making public the values and ethical standards shared by child welfare professionals, this code will assist in making ethical decisions more consistent and objective and will reinforce child welfare professionals' accountability to society and to those individuals with whom they have professional relationships.

1. GENERAL RESPONSIBILITIES

1.01 Integrity

Child welfare professionals should carry out their professional responsibilities with integrity, treating those with whom they have professional relationships in a dignified, respectful, honest, and fair manner.

1.02 Propriety

Child welfare professionals should maintain high standards of personal moral conduct when engaged in professional activity. Personal standards and conduct are private matters except when such conduct may compromise professional responsibilities or reduce public confidence in the child welfare field.

1.03 Competence

- a. Child welfare professionals should provide services only within the boundaries of their competence based on their education, training, supervised experience, and professional experience.
- b. Child welfare professionals should accurately represent their qualifications, educational backgrounds, and professional credentials.
- c. Child welfare professionals should be aware of current professional information and take advantage of continuing professional education in order to maintain a high level of competence.

1.04 Avoiding Harm

Child welfare professionals should act in the best interest of those toward whom they have professional responsibilities. It is understood, however, that choices must often be made from among competing values and responsibilities resulting in some values being given priority over others.

- a. Child welfare professionals should promote the welfare of those toward whom they have professional responsibilities.
- b. Child welfare professionals should avoid harming those toward whom they have professional responsibilities.

1.05 Nondiscrimination

- a. Child welfare professionals should not engage in and should act to prevent discriminatory behavior on any basis proscribed by law.
- b. Where personal or cultural differences could significantly affect child welfare professionals' intervention with a particular individual or groups, child welfare professionals should seek and obtain the supervision and training necessary to ensure that the intervention is unbiased, competent, and culturally appropriate.

1.06 Sexual Harassment

Child welfare professionals should not engage in and should act to prevent sexual harassment.

1.07 Conflict of Interest

1.07(a) Multiple Relationships

Child welfare professionals should take into consideration the potential harm that intimate, social or other nonprofessional contacts and relationships with clients, family members, foster parents, colleagues and supervisees could have on those with whom they have professional relationships and on their professional objective judgment and performance.

1. Child welfare professionals should avoid any conduct that would lead a reasonable person to conclude that the child welfare professional might be biased or motivated by personal interest in the performance of duties.

2. Whenever feasible, child welfare professionals should avoid professional relationships when a pre-existing nonprofessional relationship is present.

3. Child welfare professionals should discuss past, existing and potential multiple relationships with their appropriate superiors and resolve them in a manner which avoids harming and/or exploiting affected persons.

4. Child welfare professionals who are also foster parents should disclose and have ongoing discussions regarding these dual roles with their appropriate superior in order to prevent conflicts of interest, abuse of power, or the suggestion of impropriety in carrying out professional activities.

1.07(b) Private Interests

1. Child welfare professionals should not allow their private interests, whether personal, financial, or of any other sort, to conflict or appear to conflict with their professional duties and responsibilities. Any conduct that would lead a reasonable person to conclude that the child welfare professional might be biased or motivated by personal gain or private interest in the performance of duties should be avoided.

2. Child welfare professionals should avoid professional matters where they have a private financial or personal interest. If a situation arises where such a conflict may exist, child welfare professionals should consult with an appropriate superior and take steps to eliminate any potential or real conflict.

1.08 Personal Problems

- a. Child welfare professionals should not perform professional activities when they know or should know that personal problems, mental health problems, or substance abuse could impede professional judgment and performance.

- b. When such problems could interfere with performance, child welfare professionals should consider obtaining appropriate professional help and determine, along with their appropriate superior, whether they should limit, suspend or terminate their professional duties.

1.09 Documentation of Professional Work

Child welfare professionals should accurately and truthfully document their professional work according to agency policy and/or legal requirements in order to ensure accountability and continuity in the provision of services to clients.

2. RESPONSIBILITIES TO CLIENTS

The client is a child or a family member who is receiving a professional intervention and/or child welfare services from DCFS or through an agency with which DCFS has purchase of service contracts. The first responsibility of the child welfare professional is to the client; however, the specific nature of that responsibility differs depending on whether the client is the child, the parent, or another family member.

A. Responsibilities to the child

The child becomes a client when the child's right to have basic needs met may have been compromised or denied. The child welfare professional acts to ensure that the basic needs of the child are met by the child's parents. If this is not possible, the child welfare professional acts in a timely manner to ensure that the basic needs of the child are met by others.

B. Responsibilities to the parents

The parent becomes a client when the parent's ability to responsibly care for the child has been questioned. Both the parent and the child have the right to live together as a family, and the parent has the right to care for the child, if the parent is able and willing to meet the basic needs of the child. The child welfare professional makes reasonable efforts to help the parent meet the applicable standard of care, and recognizes the changing nature of the responsibilities of the professional to the parent based on the parent's response to intervention.

C. Responsibilities to other family members

Other family members become clients when providing services to them will help meet the basic needs of the child. The child welfare professional acts to provide those services.

2.01 Integrity

Child welfare professionals recognize the vulnerability of their clients and the serious responsibilities associated with intervention in the parent/child relationship. The behavior of child welfare professionals should reflect the emphasis placed by the child welfare field on professional trustworthiness and on the values of respect for persons, client self-determination, individualized intervention, competence, loyalty, diligence, honesty, promise-keeping, and confidentiality.

2.02 Client Self-Determination

The mandated nature of the child welfare professional/client relationship limits the options available to clients, but does not eliminate their right to self-determination. Client self-determination refers to the client's right to make self-determined choices and to freely act upon those choices without undue influence or coercion. It also refers to the client's right to receive information necessary to make a self-determined choice.

- a. Child welfare professionals should evaluate the decision-making capacity of all clients and reevaluate it appropriately as circumstances change.
- b. Child welfare professionals should ensure that all clients, whatever their age, have the opportunity to make self-determined choices according to their level of understanding and decision-making capacity.
- c. Child welfare professionals should ensure that their clients have available to them all of the information necessary to make self-determined decisions.
- d. Child welfare professionals should ensure that their clients have the opportunity to make self-determined choices from among the options available to them free from external coercion.
- e. Child welfare professionals should ensure that psychological constraints to self-determined decision-making are addressed and, if possible, eliminated or reduced so that self-determination is enhanced.

2.03 Informed Consent

Informed consent emanates from the principle of client self-determination. It promotes decision-making by the client after complete and accurate information regarding the nature of the intervention and the possible consequences of that intervention have been fully discussed by the professional and the client. Child welfare professionals have the responsibility to engage in this process with mandated clients who have not chosen to become clients but who have options to consider and decisions to make within the framework of a mandated intervention.

- a. Child welfare professionals should inform clients as soon as feasible and in language that is understandable about the nature of the professional relationship, the nature of the professional intervention, the professional's delegated authority and the limits of that authority, which decisions the client can make and which decisions the child welfare professional will make.

- b. Child welfare professionals should inform clients of the role of the court, if any, and of their legal and procedural rights.
- c. Child welfare professionals should keep clients informed about the case plan throughout the entire intervention.
- d. Child welfare professionals should obtain permission for intervention from a legally authorized person when a client is legally incapable of giving informed consent.
- e. Child welfare professionals should seek assent for intervention from clients who are not capable of giving an informed consent, giving due consideration to the clients' preferences in pursuing their best interests.

2.04 Confidentiality

- a. Child welfare professionals should respect the confidentiality rights of clients and those with whom they work or consult. Confidential information should be used only for professional purposes and shared only with authorized parties.
- b. Child welfare professionals have a duty to be familiar with all relevant confidentiality requirements and limitations found in federal and state laws and agency rules that apply to the child welfare field.
- c. Child welfare professionals should inform clients of all relevant confidentiality requirements and limitations.

2.05 Sexual Relations with Clients

Child welfare professionals are in inherently unequal relationships with their clients creating the potential for abuse of power. In mandated relationships there is a special potential for harm and exploitation of vulnerable clients by child welfare professionals.

- a. Child welfare professionals should not engage in sexual activities with current clients.
- b. Child welfare professionals should not accept as clients persons with whom they have previously engaged in sexual activities.
- c. Child welfare professionals should not engage in sexual activities with former clients who were adults during the professional intervention for a period of at least two years after the termination of the professional intervention. Because sexual intimacies with former clients are potentially harmful to the client, child welfare professionals who do engage in sexual intimacies after a two year period following termination of professional intervention are responsible for demonstrating that no exploitation is taking place.
- d. Child welfare professionals should not engage in sexual activities with former clients who were minors during the professional intervention for a period of at least two years after the client has reached the age of 21. Because sexual intimacies with former clients are potentially harmful to the client, child welfare professionals who do engage in sexual intimacies after this two year period following the client's reaching the age of 21 are responsible for demonstrating that no exploitation is taking place.
- e. Child welfare professionals who are still employed in the field should consult with their superior before initiating with a former client a relationship that has the potential for becoming intimate to help ensure that no exploitation will take place. Child welfare workers who leave the field continue to have the responsibility of considering the potential for exploitation and harm in relationships with former clients.
- f. Child welfare professionals should not engage in sexual activity with clients' relatives or with other individuals with whom clients maintain a close personal relationship since such behavior has the potential of being harmful to the client.

2.06 Termination of Services

Child welfare professionals should not abandon their clients. Child welfare professionals should continue appropriate intervention with clients until intervention is no longer required to meet the needs of the child or is no longer appropriate under the applicable statute. At that time, intervention is terminated.

- a. Child welfare professionals should promptly notify clients when termination or interruption of services is anticipated.

b. Prior to termination, for whatever reason, except precise order of the court, child welfare professionals should provide appropriate pretermination counseling and take other steps to facilitate transfer of responsibility to another colleague or provider of services if further intervention is required.

c. Child welfare professionals should request the transfer of a case to another professional when compelling reasons prevent successful professional intervention.

3. RESPONSIBILITIES TO COLLEAGUES

Child welfare professionals should act with integrity in their relationships with their colleagues, treating them with respect, honesty, and fairness and accepting their right to hold values and beliefs that differ from their own.

a. Child welfare professionals should cooperate with colleagues in order to serve the best interests of their clients effectively and efficiently.

b. Child welfare professionals should accurately represent the views and qualifications of colleagues, making opinions on such matters known through the appropriate professional channels.

c. Child welfare professionals should extend to colleagues of other agencies the same respect, honesty, fairness, and cooperation that is extended to colleagues in their own agencies.

d. Child welfare professionals should extend to members of other professions the same respect, honesty, fairness, and cooperation that is extended to child welfare professionals.

4. RESPONSIBILITIES TO THE COURT

Child welfare professionals frequently are called upon to appear in court and participate in court proceedings. They have special responsibilities in that setting.

a. Child welfare professionals should treat all parties to the case with respect, honesty, fairness, and cooperation.

b. Child welfare professionals should thoroughly familiarize themselves with the background of the case involved.

c. Child welfare professionals should testify honestly in court. They should apprise the court of all relevant facts in the case, both positive and negative, of which they are aware.

d. Child welfare professionals should advise the court if they come to know of the falsehood of prior testimony given in a child welfare proceeding.

e. Child welfare professionals should take appropriate action against any unethical conduct they observe in court.

5. RESPONSIBILITIES TO FOSTER PARENTS

Foster parents act as a bridge between the client and child welfare agencies. Therefore, child welfare professionals should treat foster parents with respect, fairness, honesty, and cooperation.

a. Child welfare professionals should be familiar with and adhere to the Foster Parent Law which sets forth the rights and responsibilities of foster parents.

b. Child welfare professionals should not engage in sexual activities with foster parents with whom they are presently working.

c. Child welfare professionals should consult with their appropriate superiors when initiating a potentially intimate relationship with a foster parent or if they have had an intimate relationship with a person who will now be working with them as a foster parent. These types of situations should be resolved in a manner which avoids harming and/or exploiting all affected persons.

6. RESPONSIBILITIES IN SUPERVISION

Child welfare supervisors, as members of management, recognize that their primary responsibility is to implement the policies and practices of their agencies so that the best possible services are delivered to clients. Child welfare supervisors also recognize their responsibilities to their supervisees, treating them with respect, fairness, and honesty; offering the professional support necessary to sustain the supervisees' continued motivated work; and providing a work environment which encourages ethical behavior.

6.01 Personal Integrity

- a. Child welfare supervisors should not use their position of authority to exploit their supervisees in any way.
- b. Child welfare supervisors should not engage in sexual activities with current supervisees.
- c. Child welfare supervisors should accept responsibility for their own decisions and the consequences of those decisions. They also have a high level of responsibility for decisions made by their supervisees and should accept appropriate responsibility for those decisions.

6.02 Management Responsibilities

- a. Child welfare supervisors should apprise supervisees of current professional information and encourage supervisees to take advantage of continuing professional education in order to maintain a high level of competence.
- b. Child welfare supervisors should communicate, explain, and apply legislation, agency policies, and administrative decisions necessary for them and for their supervisees to perform their work competently.
- c. Child welfare supervisors should act as advocates for their supervisees by apprising upper management of problems which impede or prevent them from efficiently and effectively performing their duties. They should also suggest appropriate changes in policy and procedure.
- d. Child welfare supervisors should provide necessary training and guidance when supervisees' personal or cultural differences could result in biased or discriminatory professional intervention with a particular individual or groups.
- e. Child welfare supervisors should consult with supervisees and help with remedial action if they have knowledge of the supervisees' impairment due to personal problems, mental health problems, or substance abuse.
- f. Child welfare supervisors should evaluate supervisees fairly and objectively on clearly stated criteria, sharing opinions about the supervisees' performance in an ongoing manner.
- g. Child welfare supervisors should take appropriate steps to terminate employment of supervisees who are not competent and are not likely to become competent.

7. RESPONSIBILITIES IN ADMINISTRATION

Child welfare administrators recognize that, although each child welfare professional is responsible for his/her ethical behavior, the agency is responsible for the environment in which ethical judgments are made. Child welfare administrators, therefore, should nurture and model organizational norms that encourage and reward the ethical behavior for which society holds the child welfare field accountable.

7.01 Personal Integrity

- a. Child welfare administrators should treat each client, colleague, and employee with respect.
- b. Child welfare administrators should maintain truthfulness and honesty and not compromise them for advancement, recognition, or personal gain.
- c. Child welfare administrators should take responsibility for their own decisions and behavior.
- d. Child welfare administrators should conduct official acts without partisanship.

7.02 Public Welfare

- a. Child welfare administrators should exercise their discretionary authority to promote the values of the child welfare field.
- b. Child welfare administrators should respond to the public in ways that are complete, truthful, clear, and easy to understand.
- c. Child welfare administrators should understand and apply legislation and regulations relevant to their professional role.
- d. Child welfare administrators should work to improve and change laws and policies which are counter-productive or obsolete.
- e. Child welfare administrators should prevent all forms of mismanagement of public funds by establishing and maintaining strong fiscal and management controls, and by supporting audits and investigative activities.

7.03 Organization

- a. Child welfare administrators should enhance organizational capacity for open communication, creativity, efficiency, and dedication.
- b. Child welfare administrators should subordinate institutional loyalties to the public good.
- c. Child welfare administrators should establish procedures that promote ethical behavior and hold individuals and organizations accountable for their conduct.
- d. Child welfare administrators should provide organization members with a working environment which permits frank discussion and criticism of agency operations and with an administrative means for dissent, assurance of due process, and safeguards against reprisal.
- e. Child welfare administrators should promote organizational accountability through appropriate controls and procedures.
- f. Child welfare administrators should maintain a high level of competence and provide support to upgrade competence throughout the organization.

8. RESPONSIBILITIES IN RESEARCH

Research performed by child welfare professionals should be rigorous and relevant to the delivery of services, the outcomes of interventions, and policy formation in the child welfare field.

- a. Child welfare professionals should protect the rights and welfare of research subjects, treating them with respect and dignity and protecting them from harm, danger, unnecessary discomfort, and ethnic and/or social discrimination.
- b. Child welfare professionals should obtain informed consent from their prospective subjects, after explaining in language that is understandable to them, the nature of the research; its possible risks, benefits, and consequences; alternative treatments or interventions; confidentiality rights; and the voluntary nature of participation with no penalty for refusing to participate or choosing to withdraw at a later date. Child welfare professionals should answer any questions the prospective subject asks.
- c. When the prospective subject is not legally capable of giving informed consent, child welfare professionals should give an appropriate explanation of the research, obtain assent when appropriate, and obtain informed consent from a legally authorized representative.
- d. Child welfare professionals should conduct research according to accepted standards of professional competence, federal and state law and regulations, agency policy, and accreditation requirements.
- e. Child welfare professionals should obtain the approval of the agency Institutional Review Board and other relevant regulating boards before initiating research and should conduct their research according to approved protocol.
- f. Child welfare professionals should report the findings of their research truthfully and completely. They should work to prevent misuse and distortion of their research findings.

9. RESPONSIBILITIES TO THE CHILD WELFARE FIELD

- a. Child welfare professionals should perform their duties in a competent, honest, diligent manner to ensure society's continuing trust in the child welfare field.
- b. Child welfare professionals should broaden the knowledge base of the child welfare field.
- c. Child welfare professionals should critically examine child welfare policies and advocate appropriate change.
- d. Child welfare professionals should take appropriate action against unethical conduct by any member of the child welfare field.

10. RESPONSIBILITIES TO SOCIETY

Child welfare professionals should apply the values and specialized knowledge of the child welfare field and should work to increase public awareness of those values in order to promote the general welfare of society.

11. ETHICAL DECISION-MAKING

- a. Child welfare professionals have a duty to be familiar with this Code of Ethics and to consider which ethical principles apply in each practice decision.
- b. Child welfare professionals should follow applicable ethical principles in each practice decision. If there is a conflict between two or more ethical principles and/or responsibilities in a particular case, child welfare professionals should consult with superiors and colleagues knowledgeable about ethics issues, or with the child welfare ethics board, in choosing a proper course of action.
- c. If the demands of an agency with which child welfare professionals are affiliated conflict with this Code of Ethics, child welfare professionals should clarify the nature of the conflict, make known their commitment to the Code, and seek to resolve the conflict in a way that permits fullest adherence to the Code.
- d. Child welfare professionals who observe a violation of this Code by a colleague should bring the issue to the attention of the colleague if an informal resolution appears appropriate. If the issue cannot be informally resolved, child welfare professionals should refer it to appropriate superiors and/or to the child welfare ethics board.

CHILD WELFARE ETHICS ADVISORY BOARD

The Child Welfare Ethics Advisory Board (“Ethics Board”) is an advisory body to the Inspector General of DCFS. Its members are a multidisciplinary group appointed by the Inspector General for terms designated by her. The Inspector General calls on the Ethics Board to advise her about ethical issues arising in cases under investigation by the OIG. She uses the Ethics Board’s input in making recommendations to the Director of DCFS and the Governor. The Ethics Board is also available to child welfare professionals who have inquiries about the ethical dimensions of their practice. The Board uses the Code of Ethics for Child Welfare Professionals to guide its deliberations.

Matters come before the Ethics Board in two ways: (1) Issues that are referred to it by the Inspector General; and (2) inquiries that are submitted to it from child welfare professionals outside the OIG.

- (1) Issues referred to the Ethics Board by the Inspector General. Ethics issues may arise in cases under investigation by the OIG or in systemic reform projects of the OIG. When such issues are referred to the Ethics Board, it determines whether sufficient facts have been presented and asks the OIG staff for further investigation if necessary. If sufficient facts are presented, the Ethics Board discusses the ethical issues involved and submits an advisory opinion to the Inspector General. The opinion states the Ethics Board’s conclusions about the ethical problems presented, if any, and suggestions for their resolution. The Inspector General may then in her discretion incorporate the recommendations of the Board in her reports to the Director of DCFS and the Governor.
- (2) Inquiries from child welfare professionals outside the OIG. Any child welfare professional employed by DCFS or a Purchase of Service agency with a question about a practice situation that may present an ethical dilemma may request an advisory opinion from the Ethics Board. The facts set out in the inquiry may be either actual or proposed. Request forms, which must be signed by the requester, are available through the OIG. The identity of the requester is kept confidential. If an ethical issue is raised by the inquiry, the Ethics Board determines whether sufficient facts have been presented and may ask the requester to present further facts if necessary. Investigation of the facts by OIG staff takes place only with the permission of the requester. Once the facts have been clarified, the Ethics Board issues an advisory opinion to the requester about the ethical implications of the inquiry and may suggest methods of resolution.

For further information about the Code of Ethics for Child Welfare Professionals or the Ethics Board please contact the OIG Ethics Office (312-433-3000).

3.11 Illinois Governmental Ethics Act

The Illinois Governmental Ethics Act is administered by the Secretary of State, who sends a disclosure form each year to state employees falling within the scope of the Act. The form is mailed directly to the employee's home address and must be completed and returned to the DCFS Office of Inspector General no later than April 23 of each year. The Inspector General reviews the forms and forwards them to the Secretary of State by May 1.

Individuals who file a false or incomplete statement will be guilty of a Class A misdemeanor. A \$15.00 late filing fee from May 1 to May 15 is imposed on persons who fail to meet the May 1 deadline. Persons who fail to file by May 15 are subject to a \$100.00 per day penalty in addition to the \$15.00 late fee. Failure to file by May 31 may result in forfeiture of office or position of employment.

Compliance is monitored by the Inspector General, as Ethics Officer of the Department. Any questions should be directed to the Office of Inspector General.

3.12 State Officials and Employees Ethics Act

The State Officials and Employees Ethics Act (effective November 19, 2003) (attachment 3.12a) require every state employee to complete mandatory ethics training annually. All employees are expected to complete training during their Ethics Training Period. Employee's who fail to complete ethics training on a timely basis will be contacted by the agency's Ethics Officer to determine the cause of the compliance failure and report this information to the Office of Executive Inspector General (OEIG).

Employees on an approved leave of absence should be rescheduled for ethics training during the first regularly scheduled Compliance Training Period after his/her return to work.

In those instances where an employee has failed to comply as a result of a lack of understanding of the course content, or an inability to access or employ the technology associated with the ethics web site, it is the responsibility of the Ethics Officer to address such issues with the assistance of the agency's human resource, training, and/or information technology support personnel to allow the employee to complete his/her ethics training requirement.

In those instances where an employee has failed to comply with his/her ethics training requirement because of a demonstrated or expressed unwillingness to do so, it is the Ethics Officer's responsibility to notify the employee's supervisor. It is then the supervisor's responsibility (working in conjunction with Labor Relations) to follow the agency's normal disciplinary process for dealing with an employee who has refused to complete a work assignment or failed to comply with a directive of their supervisor. The progressive discipline process will include escalating steps to resolve the matter, up to and including discharge.

Whistle Blower Protection

State employees are protected from any retaliation including reprimand, discharge, suspension or a change in working conditions for providing information to a supervisor, an investigator or public body concerning activity the employee reasonably believes is unlawful or assisting or testifying in a proceeding to enforce the State Officials and Employees Ethics Act. Further Whistle Blower protections are defined within the attached State Officials and Employees Ethics Act and the Whistleblower Act (740 ILCS 174).

Attachment 3.12a

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law.

For information concerning the relationship between statutes and Public Acts, refer to the Guide.

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

GENERAL PROVISIONS
(5 ILCS 430/) State Officials and Employees Ethics Act.

(5 ILCS 430/Art. 1 heading)

ARTICLE 1

GENERAL PROVISIONS

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/1-1)

Sec. 1-1. Short title. This Act may be cited as the State Officials and Employees Ethics Act.

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/1-5)

Sec. 1-5. Definitions. As used in this Act:

"Appointee" means a person appointed to a position in or with a State agency, regardless of whether the position is compensated.

"Board members of Regional Transit Boards" means any person appointed to serve on the governing board of a Regional Transit Board.

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected State office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election.

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act.

"Commission" means an ethics commission created by this Act.

"Compensated time" means any time worked by or credited to a State employee that counts toward any minimum work time

requirement imposed as a condition of employment with a State agency, but does not include any designated State holidays or any period when the employee is on a leave of absence.

"Compensatory time off" means authorized time off earned by or awarded to a State employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment with a State agency.

"Contribution" has the same meaning as that term is defined in Section 9-1.4 of the Election Code.

"Employee" means (i) any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed or (ii) any appointed or elected commissioner, trustee, director, or board member of a board of a State agency, including any retirement system or investment board subject to the Illinois Pension Code or (iii) any other appointee.

"Employment benefits" include but are not limited to the following: modified compensation or benefit terms; compensated time off; or change of title, job duties, or location of office or employment. An employment benefit may also include favorable treatment in determining whether to bring any disciplinary or similar action or favorable treatment during the course of any disciplinary or similar action or other performance review.

"Executive branch constitutional officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member, or officer. The value of a gift may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and for employees of the office of the Auditor General.

"Governmental entity" means a unit of local government (including a community college district) or a school district but not a State agency or a Regional Transit Board.

"Leave of absence" means any period during which a State employee does not receive (i) compensation for State employment, (ii) service credit towards State pension benefits, and (iii) health insurance benefits paid for by the State.

"Legislative branch constitutional officer" means a member of the General Assembly and the Auditor General.

"Legislative leader" means the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

"Member" means a member of the General Assembly.

"Officer" means an executive branch constitutional officer or a legislative branch constitutional officer.

"Political" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive,

legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties or governmental and public service functions.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a

political party convention.

(15) Participating in any recount or challenge to the outcome of any election, except to the extent that under subsection (d) of Section 6 of Article IV of the Illinois Constitution each house of the General Assembly shall judge the elections, returns, and qualifications of its members.

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(2) does business or seeks to do business (i) with the member or officer or (ii) in the case of an employee, with the employee or with the member, officer, State agency, or other employee directing the employee;

(3) conducts activities regulated (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, or employee;

(5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or

(6) is an agent of, a spouse of, or an immediate family member who is living with a "prohibited source".

"Regional Transit Boards" means (i) the Regional Transportation Authority created by the Regional Transportation Authority Act, (ii) the Suburban Bus Division created by the Regional Transportation Authority Act, (iii) the Commuter Rail Division created by the Regional Transportation Authority Act, and (iv) the Chicago Transit Authority created by the Metropolitan Transit Authority Act.

"State agency" includes all officers, boards, commissions and agencies created by the Constitution, whether in the executive or legislative branch; all officers, departments, boards, commissions, agencies, institutions, authorities, public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act (except community colleges), and bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government which are created by or pursuant to statute, other than units of local government (including community college districts) and their officers, school districts, and boards of election commissioners; and all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor. "State agency" includes the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, and the legislative support services agencies. "State agency" includes the Office of the Auditor General. "State agency" does not include the judicial branch.

"State employee" means any employee of a State agency.

"Ultimate jurisdictional authority" means the following:

(1) For members, legislative partisan staff, and legislative secretaries, the appropriate legislative leader: President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, or Minority Leader of the House of Representatives.

(2) For State employees who are professional staff or employees of the Senate and not covered under item (1), the Senate Operations Commission.

(3) For State employees who are professional staff or employees of the House of Representatives and not covered under item (1), the Speaker of the House of Representatives.

(4) For State employees who are employees of the legislative support services agencies, the Joint Committee on Legislative Support Services.

(5) For State employees of the Auditor General, the Auditor General.

(6) For State employees of public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act (except community colleges), the board of trustees of the appropriate public institution of higher learning.

(7) For State employees of an executive branch constitutional officer other than those described in paragraph (6), the appropriate executive branch constitutional officer.

(8) For State employees not under the jurisdiction of paragraph (1), (2), (3), (4), (5), (6), or (7), the Governor.

(9) For employees of Regional Transit Boards, the appropriate Regional Transit Board.

(10) For board members of Regional Transit Boards, the Governor.

(Source: P.A. 96-6, eff. 4-3-09; 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11; 96-1533, eff. 3-4-11; 97-813, eff. 7-13-12.)

(5 ILCS 430/1-10)

Sec. 1-10. Applicability. The State Officials and Employees Ethics Act applies only to conduct that occurs on or after the effective date of this Act and to causes of action that accrue on or after the effective date of this Act.

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/Art. 5 heading)

ARTICLE 5

ETHICAL CONDUCT

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/5-5)

Sec. 5-5. Personnel policies.

(a) Each of the following shall adopt and implement personnel policies for all State employees under his, her, or its jurisdiction and control: (i) each executive branch constitutional officer, (ii) each legislative leader, (iii) the Senate Operations Commission, with respect to legislative

employees under Section 4 of the General Assembly Operations Act, (iv) the Speaker of the House of Representatives, with respect to legislative employees under Section 5 of the General Assembly Operations Act, (v) the Joint Committee on Legislative Support Services, with respect to State employees of the legislative support services agencies, (vi) members of the General Assembly, with respect to legislative assistants, as provided in Section 4 of the General Assembly Compensation Act, (vii) the Auditor General, (viii) the Board of Higher Education, with respect to State employees of public institutions of higher learning except community colleges, and (ix) the Illinois Community College Board, with respect to State employees of community colleges. The Governor shall adopt and implement those policies for all State employees of the executive branch not under the jurisdiction and control of any other executive branch constitutional officer.

(b) The policies required under subsection (a) shall be filed with the appropriate ethics commission established under this Act or, for the Auditor General, with the Office of the Auditor General.

(c) The policies required under subsection (a) shall include policies relating to work time requirements, documentation of time worked, documentation for reimbursement for travel on official State business, compensation, and the earning or accrual of State benefits for all State employees who may be eligible to receive those benefits. No later than 30 days after the effective date of this amendatory Act of the 100th General Assembly, the policies shall include, at a minimum: (i) a prohibition on sexual harassment; (ii) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Department of Human Rights; (iii) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under this Act, the Whistleblower Act, and the Illinois Human Rights Act; and (iv) the consequences of a violation of the prohibition on sexual harassment and the consequences for knowingly making a false report. The policies shall comply with and be consistent with all other applicable laws. The policies shall require State employees to periodically submit time sheets documenting the time spent each day on official State business to the nearest quarter hour; contractual State employees may satisfy the time sheets requirement by complying with the terms of their contract, which shall provide for a means of compliance with this requirement. The policies for State employees shall require those time sheets to be submitted on paper, electronically, or both and to be maintained in either paper or electronic format by the applicable fiscal office for a period of at least 2 years.

(d) The policies required under subsection (a) shall be adopted by the applicable entity before February 1, 2004 and shall apply to State employees beginning 30 days after adoption.

(Source: P.A. 100-554, eff. 11-16-17.)

(5 ILCS 430/5-10)

Sec. 5-10. Ethics training.

(a) Each officer, member, and employee must complete, at least annually beginning in 2004, an ethics training program

conducted by the appropriate State agency. Each ultimate jurisdictional authority must implement an ethics training program for its officers, members, and employees. These ethics training programs shall be overseen by the appropriate Ethics Commission and Inspector General appointed pursuant to this Act in consultation with the Office of the Attorney General.

(b) Each ultimate jurisdictional authority subject to the Executive Ethics Commission shall submit to the Executive Ethics Commission, at least annually, or more frequently as required by that Commission, an annual report that summarizes ethics training that was completed during the previous year, and lays out the plan for the ethics training programs in the coming year.

(c) Each Inspector General shall set standards and determine the hours and frequency of training necessary for each position or category of positions. A person who fills a vacancy in an elective or appointed position that requires training and a person employed in a position that requires training must complete his or her initial ethics training within 30 days after commencement of his or her office or employment.

(d) Upon completion of the ethics training program, each officer, member, and employee must certify in writing that the person has completed the training program. Each officer, member, and employee must provide to his or her ethics officer a signed copy of the certification by the deadline for completion of the ethics training program.

(e) The ethics training provided under this Act by the Secretary of State may be expanded to satisfy the requirement of Section 4.5 of the Lobbyist Registration Act.

(f) The ethics training provided under this Act by State agencies under the control of the Governor shall include the requirements and duties of State officers and employees under Sections 50-39, 50-40, and 50-45 of the Illinois Procurement Code.

(Source: P.A. 100-43, eff. 8-9-17.)

(5 ILCS 430/5-10.5)

Sec. 5-10.5. Sexual harassment training.

(a) Each officer, member, and employee must complete, at least annually beginning in 2018, a sexual harassment training program. A person who fills a vacancy in an elective or appointed position that requires training under this Section must complete his or her initial sexual harassment training program within 30 days after commencement of his or her office or employment. The training shall include, at a minimum, the following: (i) the definition, and a description, of sexual harassment utilizing examples; (ii) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Department of Human Rights; (iii) the definition, and description of, retaliation for reporting sexual harassment allegations utilizing examples, including availability of whistleblower protections under this Act, the Whistleblower Act, and the Illinois Human Rights Act; and (iv) the consequences of a violation of the prohibition on sexual harassment and the consequences for knowingly making a false report. Proof of completion must be submitted to the applicable ethics officer. Sexual harassment training programs

shall be overseen by the appropriate Ethics Commission and Inspector General appointed under this Act.

(b) Each ultimate jurisdictional authority shall submit to the applicable Ethics Commission, at least annually, or more frequently as required by that Commission, a report that summarizes the sexual harassment training program that was completed during the previous year, and lays out the plan for the training program in the coming year. The report shall include the names of individuals that failed to complete the required training program. Each Ethics Commission shall make the reports available on its website.

(Source: P.A. 100-554, eff. 11-16-17.)

(5 ILCS 430/5-15)

Sec. 5-15. Prohibited political activities.

(a) State employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). State employees shall not intentionally misappropriate any State property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

(b) At no time shall any executive or legislative branch constitutional officer or any official, director, supervisor, or State employee intentionally misappropriate the services of any State employee by requiring that State employee to perform any prohibited political activity (i) as part of that employee's State duties, (ii) as a condition of State employment, or (iii) during any time off that is compensated by the State (such as vacation, personal, or compensatory time off).

(c) A State employee shall not be required at any time to participate in any prohibited political activity in consideration for that State employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(d) A State employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the State employee's participation in any prohibited political activity.

(e) Nothing in this Section prohibits activities that are otherwise appropriate for a State employee to engage in as a part of his or her official State employment duties or activities that are undertaken by a State employee on a voluntary basis as permitted by law.

(f) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of State employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/5-20)

Sec. 5-20. Public service announcements; other promotional

material.

(a) Beginning January 1, 2004, no public service announcement or advertisement that is on behalf of any State administered program and contains the proper name, image, or voice of any executive branch constitutional officer or member of the General Assembly shall be (i) broadcast or aired on radio or television, (ii) printed in a commercial newspaper or a commercial magazine, or (iii) displayed on a billboard or electronic message board at any time.

(b) The proper name or image of any executive branch constitutional officer or member of the General Assembly may not appear on any (i) bumper stickers, (ii) commercial billboards, (iii) lapel pins or buttons, (iv) magnets, (v) stickers, and (vi) other similar promotional items, that are not in furtherance of the person's official State duties or governmental and public service functions, if designed, paid for, prepared, or distributed using public dollars. This subsection does not apply to stocks of items existing on the effective date of this amendatory Act of the 93rd General Assembly.

(c) This Section does not apply to communications funded through expenditures required to be reported under Article 9 of the Election Code.

(Source: P.A. 97-13, eff. 6-16-11.)

(5 ILCS 430/5-30)

Sec. 5-30. Prohibited offer or promise.

(a) An officer or employee of the executive or legislative branch or a candidate for an executive or legislative branch office may not promise anything of value related to State government, including but not limited to positions in State government, promotions, salary increases, other employment benefits, board or commission appointments, favorable treatment in any official or regulatory matter, the awarding of any public contract, or action or inaction on any legislative or regulatory matter, in consideration for a contribution to a political committee, political party, or other entity that has as one of its purposes the financial support of a candidate for elective office.

(b) Any State employee who is requested or directed by an officer, member, or employee of the executive or legislative branch or a candidate for an executive or legislative branch office to engage in activity prohibited by Section 5-30 shall report such request or directive to the appropriate ethics officer or Inspector General.

(c) Nothing in this Section prevents the making or accepting of voluntary contributions otherwise in accordance with law.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/5-35)

Sec. 5-35. Contributions on State property. Contributions shall not be intentionally solicited, accepted, offered, or made on State property by public officials, by State employees, by candidates for elective office, by persons required to be registered under the Lobbyist Registration Act, or by any officers, employees, or agents of any political organization, except as provided in this Section. For purposes of this Section, "State property" means any building or portion thereof owned or exclusively leased by the State or

any State agency at the time the contribution is solicited, offered, accepted, or made. "State property" does not however, include any portion of a building that is rented or leased from the State or any State agency by a private person or entity.

An inadvertent solicitation, acceptance, offer, or making of a contribution is not a violation of this Section so long as reasonable and timely action is taken to return the contribution to its source.

The provisions of this Section do not apply to the residences of State officers and employees, except that no fundraising events shall be held at residences owned by the State or paid for, in whole or in part, with State funds.

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/5-40)

Sec. 5-40. Fundraising in Sangamon County. Except as provided in this Section, any executive branch constitutional officer, any candidate for an executive branch constitutional office, any member of the General Assembly, any candidate for the General Assembly, any political caucus of the General Assembly, or any political committee on behalf of any of the foregoing may not hold a political fundraising function in Sangamon County on any day the legislature is in session (i) during the period beginning February 1 and ending on the later of the actual adjournment dates of either house of the spring session and (ii) during fall veto session. For purposes of this Section, the legislature is not considered to be in session on a day that is solely a perfunctory session day or on a day when only a committee is meeting.

During the period beginning June 1 and ending on the first day of fall veto session each year, this Section does not apply to (i) a member of the General Assembly whose legislative or representative district is entirely within Sangamon County or (ii) a candidate for the General Assembly from that legislative or representative district.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/5-45)

Sec. 5-45. Procurement; revolving door prohibition.

(a) No former officer, member, or State employee, or spouse or immediate family member living with such person, shall, within a period of one year immediately after termination of State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the officer, member, or State employee, during the year immediately preceding termination of State employment, participated personally and substantially in the award of State contracts, or the issuance of State contract change orders, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary.

(b) No former officer of the executive branch or State employee of the executive branch with regulatory or licensing authority, or spouse or immediate family member living with such person, shall, within a period of one year immediately after termination of State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the officer or State employee, during the year immediately preceding termination of State employment, participated personally and substantially in making a

regulatory or licensing decision that directly applied to the person or entity, or its parent or subsidiary.

(c) Within 6 months after the effective date of this amendatory Act of the 96th General Assembly, each executive branch constitutional officer and legislative leader, the Auditor General, and the Joint Committee on Legislative Support Services shall adopt a policy delineating which State positions under his or her jurisdiction and control, by the nature of their duties, may have the authority to participate personally and substantially in the award of State contracts or in regulatory or licensing decisions. The Governor shall adopt such a policy for all State employees of the executive branch not under the jurisdiction and control of any other executive branch constitutional officer.

The policies required under subsection (c) of this Section shall be filed with the appropriate ethics commission established under this Act or, for the Auditor General, with the Office of the Auditor General.

(d) Each Inspector General shall have the authority to determine that additional State positions under his or her jurisdiction, not otherwise subject to the policies required by subsection (c) of this Section, are nonetheless subject to the notification requirement of subsection (f) below due to their involvement in the award of State contracts or in regulatory or licensing decisions.

(e) The Joint Committee on Legislative Support Services, the Auditor General, and each of the executive branch constitutional officers and legislative leaders subject to subsection (c) of this Section shall provide written notification to all employees in positions subject to the policies required by subsection (c) or a determination made under subsection (d): (1) upon hiring, promotion, or transfer into the relevant position; and (2) at the time the employee's duties are changed in such a way as to qualify that employee. An employee receiving notification must certify in writing that the person was advised of the prohibition and the requirement to notify the appropriate Inspector General in subsection (f).

(f) Any State employee in a position subject to the policies required by subsection (c) or to a determination under subsection (d), but who does not fall within the prohibition of subsection (h) below, who is offered non-State employment during State employment or within a period of one year immediately after termination of State employment shall, prior to accepting such non-State employment, notify the appropriate Inspector General. Within 10 calendar days after receiving notification from an employee in a position subject to the policies required by subsection (c), such Inspector General shall make a determination as to whether the State employee is restricted from accepting such employment by subsection (a) or (b). In making a determination, in addition to any other relevant information, an Inspector General shall assess the effect of the prospective employment or relationship upon decisions referred to in subsections (a) and (b), based on the totality of the participation by the former officer, member, or State employee in those decisions. A determination by an Inspector General must be in writing, signed and dated by the Inspector General, and delivered to the subject of the determination within 10 calendar days or the person is deemed eligible for the employment opportunity.

For purposes of this subsection, "appropriate Inspector General" means (i) for members and employees of the legislative branch, the Legislative Inspector General; (ii) for the Auditor General and employees of the Office of the Auditor General, the Inspector General provided for in Section 30-5 of this Act; and (iii) for executive branch officers and employees, the Inspector General having jurisdiction over the officer or employee. Notice of any determination of an Inspector General and of any such appeal shall be given to the ultimate jurisdictional authority, the Attorney General, and the Executive Ethics Commission.

(g) An Inspector General's determination regarding restrictions under subsection (a) or (b) may be appealed to the appropriate Ethics Commission by the person subject to the decision or the Attorney General no later than the 10th calendar day after the date of the determination.

On appeal, the Ethics Commission or Auditor General shall seek, accept, and consider written public comments regarding a determination. In deciding whether to uphold an Inspector General's determination, the appropriate Ethics Commission or Auditor General shall assess, in addition to any other relevant information, the effect of the prospective employment or relationship upon the decisions referred to in subsections (a) and (b), based on the totality of the participation by the former officer, member, or State employee in those decisions. The Ethics Commission shall decide whether to uphold an Inspector General's determination within 10 calendar days or the person is deemed eligible for the employment opportunity.

(h) The following officers, members, or State employees shall not, within a period of one year immediately after termination of office or State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the person or entity or its parent or subsidiary, during the year immediately preceding termination of State employment, was a party to a State contract or contracts with a cumulative value of \$25,000 or more involving the officer, member, or State employee's State agency, or was the subject of a regulatory or licensing decision involving the officer, member, or State employee's State agency, regardless of whether he or she participated personally and substantially in the award of the State contract or contracts or the making of the regulatory or licensing decision in question:

- (1) members or officers;
- (2) members of a commission or board created by the Illinois Constitution;
- (3) persons whose appointment to office is subject to the advice and consent of the Senate;
- (4) the head of a department, commission, board, division, bureau, authority, or other administrative unit within the government of this State;
- (5) chief procurement officers, State purchasing officers, and their designees whose duties are directly related to State procurement; and
- (6) chiefs of staff, deputy chiefs of staff, associate chiefs of staff, assistant chiefs of staff, and deputy governors.

(i) For the purposes of this Section, with respect to officers or employees of a regional transit board, as defined in this Act, the phrase "person or entity" does not include:

(i) the United States government, (ii) the State, (iii) municipalities, as defined under Article VII, Section 1 of the Illinois Constitution, (iv) units of local government, as defined under Article VII, Section 1 of the Illinois Constitution, or (v) school districts.

(Source: P.A. 96-555, eff. 8-18-09; 97-653, eff. 1-13-12.)

(5 ILCS 430/5-50)

Sec. 5-50. Ex parte communications; special government agents.

(a) This Section applies to ex parte communications made to any agency listed in subsection (e).

(b) "Ex parte communication" means any written or oral communication by any person that imparts or requests material information or makes a material argument regarding potential action concerning regulatory, quasi-adjudicatory, investment, or licensing matters pending before or under consideration by the agency. "Ex parte communication" does not include the following: (i) statements by a person publicly made in a public forum; (ii) statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter; and (iii) statements made by a State employee of the agency to the agency head or other employees of that agency.

(b-5) An ex parte communication received by an agency, agency head, or other agency employee from an interested party or his or her official representative or attorney shall promptly be memorialized and made a part of the record.

(c) An ex parte communication received by any agency, agency head, or other agency employee, other than an ex parte communication described in subsection (b-5), shall immediately be reported to that agency's ethics officer by the recipient of the communication and by any other employee of that agency who responds to the communication. The ethics officer shall require that the ex parte communication be promptly made a part of the record. The ethics officer shall promptly file the ex parte communication with the Executive Ethics Commission, including all written communications, all written responses to the communications, and a memorandum prepared by the ethics officer stating the nature and substance of all oral communications, the identity and job title of the person to whom each communication was made, all responses made, the identity and job title of the person making each response, the identity of each person from whom the written or oral ex parte communication was received, the individual or entity represented by that person, any action the person requested or recommended, and any other pertinent information. The disclosure shall also contain the date of any ex parte communication.

(d) "Interested party" means a person or entity whose rights, privileges, or interests are the subject of or are directly affected by a regulatory, quasi-adjudicatory, investment, or licensing matter.

(e) This Section applies to the following agencies:

Executive Ethics Commission
Illinois Commerce Commission
Educational Labor Relations Board
State Board of Elections
Illinois Gaming Board
Health Facilities and Services Review Board

Illinois Workers' Compensation Commission
 Illinois Labor Relations Board
 Illinois Liquor Control Commission
 Pollution Control Board
 Property Tax Appeal Board
 Illinois Racing Board
 Illinois Purchased Care Review Board
 Department of State Police Merit Board
 Motor Vehicle Review Board
 Prisoner Review Board
 Civil Service Commission
 Personnel Review Board for the Treasurer
 Merit Commission for the Secretary of State
 Merit Commission for the Office of the Comptroller
 Court of Claims
 Board of Review of the Department of Employment Security
 Department of Insurance
 Department of Professional Regulation and licensing boards
 under the Department
 Department of Public Health and licensing boards under the
 Department
 Office of Banks and Real Estate and licensing boards under
 the Office
 State Employees Retirement System Board of Trustees
 Judges Retirement System Board of Trustees
 General Assembly Retirement System Board of Trustees
 Illinois Board of Investment
 State Universities Retirement System Board of Trustees
 Teachers Retirement System Officers Board of Trustees

(f) Any person who fails to (i) report an ex parte communication to an ethics officer, (ii) make information part of the record, or (iii) make a filing with the Executive Ethics Commission as required by this Section or as required by Section 5-165 of the Illinois Administrative Procedure Act violates this Act.

(Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09.)

(5 ILCS 430/5-55)

Sec. 5-55. Prohibition on serving on boards and commissions. Notwithstanding any other law of this State, on and after February 1, 2004, a person, his or her spouse, and any immediate family member living with that person is ineligible to serve on a board, commission, authority, or task force authorized or created by State law or by executive order of the Governor if (i) that person is entitled to receive more than 7 1/2% of the total distributable income under a State contract other than an employment contract or (ii) that person together with his or her spouse and immediate family members living with that person are entitled to receive more than 15% in the aggregate of the total distributable income under a State contract other than an employment contract; except that this restriction does not apply to any of the following:

(1) a person, his or her spouse, or his or her immediate family member living with that person, who is serving in an elective public office, whether elected or appointed to fill a vacancy; and

(2) a person, his or her spouse, or his or her immediate family member living with that person, who is serving on a State advisory body that makes nonbinding recommendations to an agency of State government but does

not make binding recommendations or determinations or take any other substantive action.
(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/5-60)

Sec. 5-60. Administrative leave during pending criminal matter.

(a) If any officer or government employee is placed on administrative leave, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution and that officer or government employee is removed from office or employment due to his or her resultant criminal conviction, then the officer or government employee is indebted to the State for all compensation and the value of all benefits received during the administrative leave and must forthwith pay the full amount to the State.

(b) As a matter of law and without the necessity of the adoption of an ordinance or resolution under Section 70-5, if any officer or government employee of a governmental entity is placed on administrative leave, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution and that officer or government employee is removed from office or employment due to his or her resultant criminal conviction, then the officer or government employee is indebted to the governmental entity for all compensation and the value of all benefits received during the administrative leave and must forthwith pay the full amount to the governmental entity.

(Source: P.A. 95-947, eff. 8-29-08.)

(5 ILCS 430/5-65)

Sec. 5-65. Prohibition on sexual harassment.

(a) All persons have a right to work in an environment free from sexual harassment. All persons subject to this Act are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

(b) For purposes of this Act, "sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties and does not require an employment relationship.

(Source: P.A. 100-554, eff. 11-16-17.)

(5 ILCS 430/Art. 10 heading)

ARTICLE 10

GIFT BAN

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/10-10)

Sec. 10-10. Gift ban. Except as otherwise provided in this Article, no officer, member, or State employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation. This ban applies to and includes the spouse of and immediate family living with the officer, member, or State employee. No prohibited source shall intentionally offer or make a gift that violates this Section.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/10-15)

Sec. 10-15. Gift ban; exceptions. The restriction in Section 10-10 does not apply to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer, member, or State employee pays the market value.

(3) Any (i) contribution that is lawfully made under the Election Code or under this Act or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions. This exception may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and employees of the Office of the Auditor General.

(5) Travel expenses for a meeting to discuss State business. This exception may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and employees of the Office of the Auditor General.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.

(7) Anything provided by an individual on the basis of a personal friendship unless the member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the member, officer, or employee and not because of the personal friendship.

In determining whether a gift is provided on the basis of personal friendship, the member, officer, or employee shall consider the circumstances under which the gift was offered, such as:

(i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

(ii) whether to the actual knowledge of the

member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(iii) whether to the actual knowledge of the member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other members, officers, or employees.

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the officer, member, or employee as an office holder or employee) of the officer, member, or employee, or the spouse of the officer, member, or employee, if the benefits have not been offered or enhanced because of the official position or employment of the officer, member, or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to a member, officer, or employee of a State agency from another member, officer, or employee of the same State agency; and "inter-governmental gift" means any gift given to a member, officer, or employee of a State agency, by a member, officer, or employee of another State agency, of a federal agency, or of any governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of one another.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/10-30)

Sec. 10-30. Gift ban; disposition of gifts. A member, officer, or employee does not violate this Act if the member, officer, or employee promptly takes reasonable action to return the prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/10-40)

Sec. 10-40. Gift ban; further restrictions. A State agency may adopt or maintain policies that are more restrictive than those set forth in this Article and may continue to follow any existing policies, statutes, or regulations that are more restrictive or are in addition to those set forth in this

Article.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/Art. 15 heading)

ARTICLE 15

WHISTLE BLOWER PROTECTION

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/15-5)

Sec. 15-5. Definitions. In this Article:

"Public body" means (1) any officer, member, or State agency; (2) the federal government; (3) any local law enforcement agency or prosecutorial office; (4) any federal or State judiciary, grand or petit jury, law enforcement agency, or prosecutorial office; and (5) any officer, employee, department, agency, or other division of any of the foregoing.

"Supervisor" means an officer, a member, or a State employee who has the authority to direct and control the work performance of a State employee or who has authority to take corrective action regarding any violation of a law, rule, or regulation of which the State employee complains.

"Retaliatory action" means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any State employee, that is taken in retaliation for a State employee's involvement in protected activity, as set forth in Section 15-10.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/15-10)

Sec. 15-10. Protected activity. An officer, a member, a State employee, or a State agency shall not take any retaliatory action against a State employee because the State employee does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation.

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency, or other State employee.

(3) Assists or participates in a proceeding to enforce the provisions of this Act.

(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

(5 ILCS 430/15-20)

Sec. 15-20. Burden of proof. A violation of this Article may be established only upon a finding that (i) the State employee engaged in conduct described in Section 15-10 and (ii) that conduct was a contributing factor in the retaliatory action alleged by the State employee. It is not a violation, however, if it is demonstrated by clear and convincing evidence that the officer, member, other State employee, or State agency would have taken the same unfavorable personnel

action in the absence of that conduct.

(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

(5 ILCS 430/15-25)

Sec. 15-25. Remedies. The State employee may be awarded all remedies necessary to make the State employee whole and to prevent future violations of this Article. The circuit courts of this State shall have jurisdiction to hear cases brought under this Article. Remedies imposed by the court may include, but are not limited to, all of the following:

(1) reinstatement of the employee to either the same position held before the retaliatory action or to an equivalent position;

(2) 2 times the amount of back pay;

(3) interest on the back pay;

(4) the reinstatement of full fringe benefits and seniority rights; and

(5) the payment of reasonable costs and attorneys' fees.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/15-35)

Sec. 15-35. Preemption. Nothing in this Article shall be deemed to diminish the rights, privileges, or remedies of a State employee under any other federal or State law, rule, or regulation or under any collective bargaining agreement or employment contract.

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/15-40)

Sec. 15-40. Posting. All officers, members, and State agencies shall conspicuously display notices of State employee protection under this Act.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/Art. 20 heading)

ARTICLE 20

EXECUTIVE ETHICS COMMISSION AND EXECUTIVE INSPECTORS GENERAL

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/20-5)

Sec. 20-5. Executive Ethics Commission.

(a) The Executive Ethics Commission is created.

(b) The Executive Ethics Commission shall consist of 9 commissioners. The Governor shall appoint 5 commissioners, and the Attorney General, Secretary of State, Comptroller, and Treasurer shall each appoint one commissioner. Appointments shall be made by and with the advice and consent of the Senate by three-fifths of the elected members concurring by record vote. Any nomination not acted upon by the Senate within 60 session days of the receipt thereof shall be deemed to have received the advice and consent of the Senate. If, during a recess of the Senate, there is a vacancy in an office of commissioner, the appointing authority shall make a temporary appointment until the next meeting of the Senate when the appointing authority shall make a nomination to fill that

office. No person rejected for an office of commissioner shall, except by the Senate's request, be nominated again for that office at the same session of the Senate or be appointed to that office during a recess of that Senate. No more than 5 commissioners may be of the same political party.

The terms of the initial commissioners shall commence upon qualification. Four initial appointees of the Governor, as designated by the Governor, shall serve terms running through June 30, 2007. One initial appointee of the Governor, as designated by the Governor, and the initial appointees of the Attorney General, Secretary of State, Comptroller, and Treasurer shall serve terms running through June 30, 2008. The initial appointments shall be made within 60 days after the effective date of this Act.

After the initial terms, commissioners shall serve for 4-year terms commencing on July 1 of the year of appointment and running through June 30 of the fourth following year. Commissioners may be reappointed to one or more subsequent terms.

Vacancies occurring other than at the end of a term shall be filled by the appointing authority only for the balance of the term of the commissioner whose office is vacant.

Terms shall run regardless of whether the position is filled.

(c) The appointing authorities shall appoint commissioners who have experience holding governmental office or employment and shall appoint commissioners from the general public. A person is not eligible to serve as a commissioner if that person (i) has been convicted of a felony or a crime of dishonesty or moral turpitude, (ii) is, or was within the preceding 12 months, engaged in activities that require registration under the Lobbyist Registration Act, (iii) is related to the appointing authority, or (iv) is a State officer or employee.

(d) The Executive Ethics Commission shall have jurisdiction over all officers and employees of State agencies other than the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, the legislative support services agencies, and the Office of the Auditor General. The Executive Ethics Commission shall have jurisdiction over all board members and employees of Regional Transit Boards. The jurisdiction of the Commission is limited to matters arising under this Act, except as provided in subsection (d-5).

A member or legislative branch State employee serving on an executive branch board or commission remains subject to the jurisdiction of the Legislative Ethics Commission and is not subject to the jurisdiction of the Executive Ethics Commission.

(d-5) The Executive Ethics Commission shall have jurisdiction over all chief procurement officers and procurement compliance monitors and their respective staffs. The Executive Ethics Commission shall have jurisdiction over any matters arising under the Illinois Procurement Code if the Commission is given explicit authority in that Code.

(d-6) (1) The Executive Ethics Commission shall have jurisdiction over the Illinois Power Agency and its staff. The Director of the Agency shall be appointed by a majority of the

commissioners of the Executive Ethics Commission, subject to Senate confirmation, for a term of 2 years. The Director is removable for cause by a majority of the Commission upon a finding of neglect, malfeasance, absence, or incompetence.

(2) In case of a vacancy in the office of Director of the Illinois Power Agency during a recess of the Senate, the Executive Ethics Commission may make a temporary appointment until the next meeting of the Senate, at which time the Executive Ethics Commission shall nominate some person to fill the office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his or her successor is appointed and qualified. Nothing in this subsection shall prohibit the Executive Ethics Commission from removing a temporary appointee or from appointing a temporary appointee as the Director of the Illinois Power Agency.

(3) Prior to June 1, 2012, the Executive Ethics Commission may, until the Director of the Illinois Power Agency is appointed and qualified or a temporary appointment is made pursuant to paragraph (2) of this subsection, designate some person as an acting Director to execute the powers and discharge the duties vested by law in that Director. An acting Director shall serve no later than 60 calendar days, or upon the making of an appointment pursuant to paragraph (1) or (2) of this subsection, whichever is earlier. Nothing in this subsection shall prohibit the Executive Ethics Commission from removing an acting Director or from appointing an acting Director as the Director of the Illinois Power Agency.

(4) No person rejected by the Senate for the office of Director of the Illinois Power Agency shall, except at the Senate's request, be nominated again for that office at the same session or be appointed to that office during a recess of that Senate.

(e) The Executive Ethics Commission must meet, either in person or by other technological means, at least monthly and as often as necessary. At the first meeting of the Executive Ethics Commission, the commissioners shall choose from their number a chairperson and other officers that they deem appropriate. The terms of officers shall be for 2 years commencing July 1 and running through June 30 of the second following year. Meetings shall be held at the call of the chairperson or any 3 commissioners. Official action by the Commission shall require the affirmative vote of 5 commissioners, and a quorum shall consist of 5 commissioners. Commissioners shall receive compensation in an amount equal to the compensation of members of the State Board of Elections and may be reimbursed for their reasonable expenses actually incurred in the performance of their duties.

(f) No commissioner or employee of the Executive Ethics Commission may during his or her term of appointment or employment:

- (1) become a candidate for any elective office;
- (2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;
- (3) be actively involved in the affairs of any political party or political organization; or
- (4) advocate for the appointment of another person to

an appointed or elected office or position or actively participate in any campaign for any elective office.

(g) An appointing authority may remove a commissioner only for cause.

(h) The Executive Ethics Commission shall appoint an Executive Director. The compensation of the Executive Director shall be as determined by the Commission. The Executive Director of the Executive Ethics Commission may employ and determine the compensation of staff, as appropriations permit.

(i) The Executive Ethics Commission shall appoint, by a majority of the members appointed to the Commission, chief procurement officers and may appoint procurement compliance monitors in accordance with the provisions of the Illinois Procurement Code. The compensation of a chief procurement officer and procurement compliance monitor shall be determined by the Commission.

(Source: P.A. 100-43, eff. 8-9-17.)

(5 ILCS 430/20-10)

Sec. 20-10. Offices of Executive Inspectors General.

(a) Five independent Offices of the Executive Inspector General are created, one each for the Governor, the Attorney General, the Secretary of State, the Comptroller, and the Treasurer. Each Office shall be under the direction and supervision of an Executive Inspector General and shall be a fully independent office with separate appropriations.

(b) The Governor, Attorney General, Secretary of State, Comptroller, and Treasurer shall each appoint an Executive Inspector General, without regard to political affiliation and solely on the basis of integrity and demonstrated ability. Appointments shall be made by and with the advice and consent of the Senate by three-fifths of the elected members concurring by record vote. Any nomination not acted upon by the Senate within 60 session days of the receipt thereof shall be deemed to have received the advice and consent of the Senate. If, during a recess of the Senate, there is a vacancy in an office of Executive Inspector General, the appointing authority shall make a temporary appointment until the next meeting of the Senate when the appointing authority shall make a nomination to fill that office. No person rejected for an office of Executive Inspector General shall, except by the Senate's request, be nominated again for that office at the same session of the Senate or be appointed to that office during a recess of that Senate.

Nothing in this Article precludes the appointment by the Governor, Attorney General, Secretary of State, Comptroller, or Treasurer of any other inspector general required or permitted by law. The Governor, Attorney General, Secretary of State, Comptroller, and Treasurer each may appoint an existing inspector general as the Executive Inspector General required by this Article, provided that such an inspector general is not prohibited by law, rule, jurisdiction, qualification, or interest from serving as the Executive Inspector General required by this Article. An appointing authority may not appoint a relative as an Executive Inspector General.

Each Executive Inspector General shall have the following qualifications:

- (1) has not been convicted of any felony under the laws of this State, another State, or the United States;
- (2) has earned a baccalaureate degree from an

institution of higher education; and

(3) has 5 or more years of cumulative service (A) with a federal, State, or local law enforcement agency, at least 2 years of which have been in a progressive investigatory capacity; (B) as a federal, State, or local prosecutor; (C) as a senior manager or executive of a federal, State, or local agency; (D) as a member, an officer, or a State or federal judge; or (E) representing any combination of (A) through (D).

The term of each initial Executive Inspector General shall commence upon qualification and shall run through June 30, 2008. The initial appointments shall be made within 60 days after the effective date of this Act.

After the initial term, each Executive Inspector General shall serve for 5-year terms commencing on July 1 of the year of appointment and running through June 30 of the fifth following year. An Executive Inspector General may be reappointed to one or more subsequent terms.

A vacancy occurring other than at the end of a term shall be filled by the appointing authority only for the balance of the term of the Executive Inspector General whose office is vacant.

Terms shall run regardless of whether the position is filled.

(c) The Executive Inspector General appointed by the Attorney General shall have jurisdiction over the Attorney General and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Attorney General. The Executive Inspector General appointed by the Secretary of State shall have jurisdiction over the Secretary of State and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Secretary of State. The Executive Inspector General appointed by the Comptroller shall have jurisdiction over the Comptroller and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Comptroller. The Executive Inspector General appointed by the Treasurer shall have jurisdiction over the Treasurer and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Treasurer. The Executive Inspector General appointed by the Governor shall have jurisdiction over (i) the Governor, (ii) the Lieutenant Governor, (iii) all officers and employees of, and vendors and others doing business with, executive branch State agencies under the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of the Attorney General, the Secretary of State, the Comptroller, or the Treasurer, and (iv) all board members and employees of the Regional Transit Boards and all vendors and others doing business with the Regional Transit Boards.

The jurisdiction of each Executive Inspector General is to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of this Act or violations of other related laws and rules.

(d) The compensation for each Executive Inspector General shall be determined by the Executive Ethics Commission and shall be made from appropriations made to the Comptroller for this purpose. Subject to Section 20-45 of this Act, each

Executive Inspector General has full authority to organize his or her Office of the Executive Inspector General, including the employment and determination of the compensation of staff, such as deputies, assistants, and other employees, as appropriations permit. A separate appropriation shall be made for each Office of Executive Inspector General.

(e) No Executive Inspector General or employee of the Office of the Executive Inspector General may, during his or her term of appointment or employment:

- (1) become a candidate for any elective office;
- (2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;
- (3) be actively involved in the affairs of any political party or political organization; or
- (4) advocate for the appointment of another person to an appointed or elected office or position or actively participate in any campaign for any elective office.

In this subsection an appointed public office means a position authorized by law that is filled by an appointing authority as provided by law and does not include employment by hiring in the ordinary course of business.

(e-1) No Executive Inspector General or employee of the Office of the Executive Inspector General may, for one year after the termination of his or her appointment or employment:

- (1) become a candidate for any elective office;
- (2) hold any elected public office; or
- (3) hold any appointed State, county, or local judicial office.

(e-2) The requirements of item (3) of subsection (e-1) may be waived by the Executive Ethics Commission.

(f) An Executive Inspector General may be removed only for cause and may be removed only by the appointing constitutional officer. At the time of the removal, the appointing constitutional officer must report to the Executive Ethics Commission the justification for the removal.

(Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.)

(5 ILCS 430/20-15)

Sec. 20-15. Duties of the Executive Ethics Commission. In addition to duties otherwise assigned by law, the Executive Ethics Commission shall have the following duties:

(1) To promulgate rules governing the performance of its duties and the exercise of its powers and governing the investigations of the Executive Inspectors General. It is declared to be in the public interest, safety, and welfare that the Commission adopt emergency rules under the Illinois Administrative Procedure Act to initially perform its duties under this subsection.

(2) To conduct administrative hearings and rule on matters brought before the Commission only upon the receipt of pleadings filed by an Executive Inspector General, or upon receipt of summaries of reviews submitted by the Inspector General for the Secretary of State under subsection (d-5) of Section 14 of the Secretary of State Act, and not upon its own prerogative, but may appoint special Executive Inspectors General as provided in Section 20-21. Any other allegations of misconduct received by the Commission from a person other than an

Executive Inspector General shall be referred to the Office of the appropriate Executive Inspector General.

(3) To prepare and publish manuals and guides and, working with the Office of the Attorney General, oversee training of employees under its jurisdiction that explains their duties.

(4) To prepare public information materials to facilitate compliance, implementation, and enforcement of this Act.

(5) To submit reports as required by this Act.

(6) To the extent authorized by this Act, to make rulings, issue recommendations, and impose administrative fines, if appropriate, in connection with the implementation and interpretation of this Act. The powers and duties of the Commission are limited to matters clearly within the purview of this Act, and include authority over allegations that an individual required to be registered under the Lobbyist Registration Act has committed an act of sexual harassment, as set forth in any summaries of reviews of such allegations submitted to the Commission by the Inspector General for the Secretary of State.

(7) To issue subpoenas with respect to matters pending before the Commission, subject to the provisions of this Article and in the discretion of the Commission, to compel the attendance of witnesses for purposes of testimony and the production of documents and other items for inspection and copying.

(8) To appoint special Executive Inspectors General as provided in Section 20-21.

(9) To conspicuously display on the Commission's website the procedures for reporting a violation of this Act, including how to report violations via email or online.

(Source: P.A. 100-554, eff. 11-16-17.)

(5 ILCS 430/20-20)

Sec. 20-20. Duties of the Executive Inspectors General. In addition to duties otherwise assigned by law, each Executive Inspector General shall have the following duties:

(1) To receive and investigate allegations of violations of this Act. An investigation may not be initiated more than one year after the most recent act of the alleged violation or of a series of alleged violations except where there is reasonable cause to believe that fraudulent concealment has occurred. To constitute fraudulent concealment sufficient to toll this limitations period, there must be an affirmative act or representation calculated to prevent discovery of the fact that a violation has occurred. The Executive Inspector General shall have the discretion to determine the appropriate means of investigation as permitted by law.

(2) To request information relating to an investigation from any person when the Executive Inspector General deems that information necessary in conducting an investigation.

(3) To issue subpoenas to compel the attendance of witnesses for the purposes of testimony and production of documents and other items for inspection and copying and

to make service of those subpoenas and subpoenas issued under item (7) of Section 20-15.

(4) To submit reports as required by this Act.

(5) To file pleadings in the name of the Executive Inspector General with the Executive Ethics Commission, through the Attorney General, as provided in this Article if the Attorney General finds that reasonable cause exists to believe that a violation has occurred.

(6) To assist and coordinate the ethics officers for State agencies under the jurisdiction of the Executive Inspector General and to work with those ethics officers.

(7) To participate in or conduct, when appropriate, multi-jurisdictional investigations.

(8) To request, as the Executive Inspector General deems appropriate, from ethics officers of State agencies under his or her jurisdiction, reports or information on (i) the content of a State agency's ethics training program and (ii) the percentage of new officers and employees who have completed ethics training.

(9) To review hiring and employment files of each State agency within the Executive Inspector General's jurisdiction to ensure compliance with *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990), and with all applicable employment laws.

(10) To establish a policy that ensures the appropriate handling and correct recording of all investigations conducted by the Office, and to ensure that the policy is accessible via the Internet in order that those seeking to report those allegations are familiar with the process and that the subjects of those allegations are treated fairly.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-20a)

Sec. 20-20a. Attorney General investigatory authority. In addition to investigatory authority otherwise granted by law, the Attorney General shall have the authority to investigate violations of this Act pursuant to Section 20-50 or Section 20-51 of this Act after receipt of notice from the Executive Ethics Commission or pursuant to Section 5-45. The Attorney General shall have the discretion to determine the appropriate means of investigation as permitted by law, including (i) the request of information relating to an investigation from any person when the Attorney General deems that information necessary in conducting an investigation; and (ii) the issuance of subpoenas to compel the attendance of witnesses for the purposes of sworn testimony and production of documents and other items for inspection and copying and the service of those subpoenas.

Nothing in this Section shall be construed as granting the Attorney General the authority to investigate alleged misconduct pursuant to notice received under Section 20-50 or Section 20-51 of this Act, if the information contained in the notice indicates that the alleged misconduct was minor in nature. As used in this Section, misconduct that is "minor in nature" means misconduct that was a violation of office, agency, or department policy and not of this Act or any other civil or criminal law.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-21)

Sec. 20-21. Special Executive Inspectors General.

(a) The Executive Ethics Commission, on its own initiative and by majority vote, may appoint special Executive Inspectors General (i) to investigate alleged violations of this Act if an investigation by the Inspector General was not concluded within 6 months after its initiation, where the Commission finds that the Inspector General's reasons under Section 20-65 for failing to complete the investigation are insufficient, (ii) to accept referrals from the Commission of allegations made pursuant to this Act concerning an Executive Inspector General or employee of an Office of an Executive Inspector General and to investigate those allegations, (iii) to investigate matters within the jurisdiction of an Executive Inspector General if an Executive Inspector General (including his or her employees) could be reasonably deemed to be a wrongdoer or suspect, or if in the determination of the Commission, an investigation presents real or apparent conflicts of interest for the Office of the Executive Inspector General, and (iv) to investigate alleged violations of this Act pursuant to Section 20-50 and Section 20-51.

(b) A special Executive Inspector General must have the same qualifications as an Executive Inspector General appointed under Section 20-10.

(c) The Commission's appointment of a special Executive Inspector General must be in writing and must specify the duration and purpose of the appointment.

(d) A special Executive Inspector General shall have the same powers and duties with respect to the purpose of his or her appointment as an Executive Inspector General appointed under Section 20-10.

(e) A special Executive Inspector General shall report the findings of his or her investigation to the Commission.

(f) The Commission may report the findings of a special Executive Inspector General and its recommendations, if any, to the appointing authority of the appropriate Executive Inspector General.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-23)

Sec. 20-23. Ethics Officers. Each officer and the head of each State agency under the jurisdiction of the Executive Ethics Commission shall designate an Ethics Officer for the office or State agency. The board of each Regional Transit Board shall designate an Ethics Officer. Ethics Officers shall:

(1) act as liaisons between the State agency or Regional Transit Board and the appropriate Executive Inspector General and between the State agency or Regional Transit Board and the Executive Ethics Commission;

(2) review statements of economic interest and disclosure forms of officers, senior employees, and contract monitors before they are filed with the Secretary of State; and

(3) provide guidance to officers and employees in the interpretation and implementation of this Act, which the officer or employee may in good faith rely upon. Such guidance shall be based, wherever possible, upon legal precedent in court decisions, opinions of the Attorney

General, and the findings and opinions of the Executive Ethics Commission.

(Source: P.A. 96-1528, eff. 7-1-11.)

(5 ILCS 430/20-35)

Sec. 20-35. Administrative subpoena; compliance. A person duly subpoenaed for testimony, documents, or other items who neglects or refuses to testify or produce documents or other items under the requirements of the subpoena shall be subject to punishment as may be determined by a court of competent jurisdiction. Nothing in this Section limits or alters a person's existing rights or protections under State or federal law.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/20-40)

Sec. 20-40. (Repealed).

(Source: P.A. 93-617, eff. 12-9-03. Repealed by P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-45)

Sec. 20-45. Standing; representation.

(a) With the exception of a person appealing an Inspector General's determination under Section 5-45 of this Act or under applicable provisions of the Illinois Procurement Code, only an Executive Inspector General or the Attorney General may bring actions before the Executive Ethics Commission. The Attorney General may bring actions before the Executive Ethics Commission upon receipt of notice pursuant to Section 5-50 or Section 5-51 or pursuant to Section 5-45.

(b) With the exception of Section 5-45, the Attorney General shall represent an Executive Inspector General in all proceedings before the Commission. Whenever the Attorney General is sick or absent, or unable to attend, or is interested in any matter or proceeding under this Act, upon the filing of a petition under seal by any person with standing, the Supreme Court (or any other court of competent jurisdiction as designated and determined by rule of the Supreme Court) may appoint some competent attorney to prosecute or defend that matter or proceeding, and the attorney so appointed shall have the same power and authority in relation to that matter or proceeding as the Attorney General would have had if present and attending to the same.

(c) Attorneys representing an Inspector General in proceedings before the Executive Ethics Commission, except an attorney appointed under subsection (b), shall be appointed or retained by the Attorney General, shall be under the supervision, direction, and control of the Attorney General, and shall serve at the pleasure of the Attorney General. The compensation of any attorneys appointed or retained in accordance with this subsection or subsection (b) shall be paid by the appropriate Office of the Executive Inspector General.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-50)

Sec. 20-50. Investigation reports.

(a) If an Executive Inspector General, upon the conclusion of an investigation, determines that reasonable cause exists to believe that a violation has occurred, then the Executive

Inspector General shall issue a summary report of the investigation. The report shall be delivered to the appropriate ultimate jurisdictional authority and to the head of each State agency affected by or involved in the investigation, if appropriate. The appropriate ultimate jurisdictional authority or agency head shall respond to the summary report within 20 days, in writing, to the Executive Inspector General. The response shall include a description of any corrective or disciplinary action to be imposed.

(b) The summary report of the investigation shall include the following:

(1) A description of any allegations or other information received by the Executive Inspector General pertinent to the investigation.

(2) A description of any alleged misconduct discovered in the course of the investigation.

(3) Recommendations for any corrective or disciplinary action to be taken in response to any alleged misconduct described in the report, including but not limited to discharge.

(4) Other information the Executive Inspector General deems relevant to the investigation or resulting recommendations.

(c) Within 30 days after receiving a response from the appropriate ultimate jurisdictional authority or agency head under subsection (a), the Executive Inspector General shall notify the Commission and the Attorney General if the Executive Inspector General believes that a complaint should be filed with the Commission. If the Executive Inspector General desires to file a complaint with the Commission, the Executive Inspector General shall submit the summary report and supporting documents to the Attorney General. If the Attorney General concludes that there is insufficient evidence that a violation has occurred, the Attorney General shall notify the Executive Inspector General and the Executive Inspector General shall deliver to the Executive Ethics Commission a copy of the summary report and response from the ultimate jurisdictional authority or agency head. If the Attorney General determines that reasonable cause exists to believe that a violation has occurred, then the Executive Inspector General, represented by the Attorney General, may file with the Executive Ethics Commission a complaint. The complaint shall set forth the alleged violation and the grounds that exist to support the complaint. The complaint must be filed with the Commission within 18 months after the most recent act of the alleged violation or of a series of alleged violations except where there is reasonable cause to believe that fraudulent concealment has occurred. To constitute fraudulent concealment sufficient to toll this limitations period, there must be an affirmative act or representation calculated to prevent discovery of the fact that a violation has occurred. If a complaint is not filed with the Commission within 6 months after notice by the Inspector General to the Commission and the Attorney General, then the Commission may set a meeting of the Commission at which the Attorney General shall appear and provide a status report to the Commission.

(c-5) Within 30 days after receiving a response from the appropriate ultimate jurisdictional authority or agency head under subsection (a), if the Executive Inspector General does

not believe that a complaint should be filed, the Executive Inspector General shall deliver to the Executive Ethics Commission a statement setting forth the basis for the decision not to file a complaint and a copy of the summary report and response from the ultimate jurisdictional authority or agency head. An Inspector General may also submit a redacted version of the summary report and response from the ultimate jurisdictional authority if the Inspector General believes either contains information that, in the opinion of the Inspector General, should be redacted prior to releasing the report, may interfere with an ongoing investigation, or identifies an informant or complainant.

(c-10) If, after reviewing the documents, the Commission believes that further investigation is warranted, the Commission may request that the Executive Inspector General provide additional information or conduct further investigation. The Commission may also appoint a Special Executive Inspector General to investigate or refer the summary report and response from the ultimate jurisdictional authority to the Attorney General for further investigation or review. If the Commission requests the Attorney General to investigate or review, the Commission must notify the Attorney General and the Inspector General. The Attorney General may not begin an investigation or review until receipt of notice from the Commission. If, after review, the Attorney General determines that reasonable cause exists to believe that a violation has occurred, then the Attorney General may file a complaint with the Executive Ethics Commission. If the Attorney General concludes that there is insufficient evidence that a violation has occurred, the Attorney General shall notify the Executive Ethics Commission and the appropriate Executive Inspector General.

(d) A copy of the complaint filed with the Executive Ethics Commission must be served on all respondents named in the complaint and on each respondent's ultimate jurisdictional authority in the same manner as process is served under the Code of Civil Procedure.

(e) A respondent may file objections to the complaint within 30 days after notice of the petition has been served on the respondent.

(f) The Commission shall meet, either in person or by telephone, at least 30 days after the complaint is served on all respondents in a closed session to review the sufficiency of the complaint. The Commission shall issue notice by certified mail, return receipt requested, to the Executive Inspector General, Attorney General, and all respondents of the Commission's ruling on the sufficiency of the complaint. If the complaint is deemed to sufficiently allege a violation of this Act, then the Commission shall include a hearing date scheduled within 4 weeks after the date of the notice, unless all of the parties consent to a later date. If the complaint is deemed not to sufficiently allege a violation, then the Commission shall send by certified mail, return receipt requested, a notice to the Executive Inspector General, Attorney General, and all respondents of the decision to dismiss the complaint.

(g) On the scheduled date the Commission shall conduct a closed meeting, either in person or, if the parties consent, by telephone, on the complaint and allow all parties the opportunity to present testimony and evidence. All such

proceedings shall be transcribed.

(h) Within an appropriate time limit set by rules of the Executive Ethics Commission, the Commission shall (i) dismiss the complaint, (ii) issue a recommendation of discipline to the respondent and the respondent's ultimate jurisdictional authority, (iii) impose an administrative fine upon the respondent, (iv) issue injunctive relief as described in Section 50-10, or (v) impose a combination of (ii) through (iv).

(i) The proceedings on any complaint filed with the Commission shall be conducted pursuant to rules promulgated by the Commission.

(j) The Commission may designate hearing officers to conduct proceedings as determined by rule of the Commission.

(k) In all proceedings before the Commission, the standard of proof is by a preponderance of the evidence.

(l) Within 30 days after the issuance of a final administrative decision that concludes that a violation occurred, the Executive Ethics Commission shall make public the entire record of proceedings before the Commission, the decision, any recommendation, any discipline imposed, and the response from the agency head or ultimate jurisdictional authority to the Executive Ethics Commission.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-51)

Sec. 20-51. Closed investigations. When the Inspector General concludes that there is insufficient evidence that a violation has occurred, the Inspector General shall close the investigation. The Inspector General shall provide the Commission with a written statement of the Inspector General's decision to close the investigation. At the request of the subject of the investigation, the Inspector General shall provide a written statement to the subject of the investigation of the Inspector General's decision to close the investigation. Closure by the Inspector General does not bar the Inspector General from resuming the investigation if circumstances warrant. The Commission also has the discretion to request that the Executive Inspector General conduct further investigation of any matter closed pursuant to this Section, to appoint a Special Executive Inspector General to investigate, or to refer the allegations to the Attorney General for further investigation or review. If the Commission requests the Attorney General to investigate or review, the Commission must notify the Attorney General and the Inspector General. The Attorney General may not begin an investigation or review until receipt of notice from the Commission.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-52)

Sec. 20-52. Release of summary reports.

(a) Within 60 days after receipt of a summary report and response from the ultimate jurisdictional authority or agency head that resulted in a suspension of at least 3 days or termination of employment, the Executive Ethics Commission shall make available to the public the report and response or a redacted version of the report and response. The Executive Ethics Commission may make available to the public any other summary report and response of the ultimate jurisdictional authority or agency head or a redacted version of the report

and response.

(b) The Commission shall redact information in the summary report that may reveal the identity of witnesses, complainants, or informants or if the Commission determines it is appropriate to protect the identity of a person before the report is made public. The Commission may also redact any information it believes should not be made public. Prior to publication, the Commission shall permit the respondents, Inspector General, and Attorney General to review documents to be made public and offer suggestions for redaction or provide a response that shall be made public with the summary report.

(c) The Commission may withhold publication of the report or response if the Executive Inspector General or Attorney General certifies that releasing the report to the public will interfere with an ongoing investigation.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-55)

Sec. 20-55. Decisions; recommendations.

(a) All decisions of the Executive Ethics Commission must include a description of the alleged misconduct, the decision of the Commission, including any fines levied and any recommendation of discipline, and the reasoning for that decision. All decisions of the Commission shall be delivered to the head of the appropriate State agency, the appropriate ultimate jurisdictional authority, and the appropriate Executive Inspector General. The Executive Ethics Commission shall promulgate rules for the decision and recommendation process.

(b) If the Executive Ethics Commission issues a recommendation of discipline to an agency head or ultimate jurisdictional authority, that agency head or ultimate jurisdictional authority must respond to that recommendation in 30 days with a written response to the Executive Ethics Commission. This response must include any disciplinary action the agency head or ultimate jurisdictional authority has taken with respect to the officer or employee in question. If the agency head or ultimate jurisdictional authority did not take any disciplinary action, or took a different disciplinary action than that recommended by the Executive Ethics Commission, the agency head or ultimate jurisdictional authority must describe the different action and explain the reasons for the different action in the written response. This response must be served upon the Executive Ethics Commission and the appropriate Executive Inspector General within the 30-day period and is not exempt from the provisions of the Freedom of Information Act.

(c) Disciplinary action under this Act against a person subject to the Personnel Code, the Secretary of State Merit Employment Code, the Comptroller Merit Employment Code, or the State Treasurer Employment Code is within the jurisdiction of the Executive Ethics Commission and is not within the jurisdiction of those Acts.

(d) Any hearing to contest disciplinary action for a violation of this Act against a person subject to the Personnel Code, the Secretary of State Merit Employment Code, the Comptroller Merit Employment Code, or the State Treasurer Employment Code pursuant to an agreement between an Executive Inspector General and an ultimate jurisdictional authority shall be conducted by the Executive Ethics Commission and not

under any of those Acts.
(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-60)

Sec. 20-60. Appeals. A decision of the Executive Ethics Commission to impose a fine or injunctive relief is subject to judicial review under the Administrative Review Law. All other decisions by the Executive Ethics Commission are final and not subject to review either administratively or judicially.
(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-65)

Sec. 20-65. Reporting of investigations.

(a) Each Executive Inspector General shall file a quarterly activity report with the Executive Ethics Commission that reflects investigative activity during the previous quarter. The Executive Ethics Commission shall establish the reporting dates. The activity report shall include at least the following:

(1) The number of investigations opened during the preceding quarter, the affected offices or agencies, and the unique tracking numbers for new investigations.

(2) The number of investigations closed during the preceding quarter, the affected offices or agencies, and the unique tracking numbers for closed investigations.

(3) The status of each on-going investigation that remained open at the end of the quarter, the affected office, agency or agencies, the investigation's unique tracking number, and a brief statement of the general nature of the investigation.

(b) If any investigation is not concluded within 6 months after its initiation, the appropriate Executive Inspector General shall file a 6-month report with the Executive Ethics Commission by the fifteenth day of the month following it being open for 6 months. The 6-month report shall disclose:

(1) The general nature of the allegation or information giving rise to the investigation, the title or job duties of the subjects of the investigation, and the investigation's unique tracking number.

(2) The date of the last alleged violation of this Act or other State law giving rise to the investigation.

(3) Whether the Executive Inspector General has found credible the allegations of criminal conduct.

(4) Whether the allegation has been referred to an appropriate law enforcement agency and the identity of the law enforcement agency to which those allegations were referred.

(5) If an allegation has not been referred to an appropriate law enforcement agency, the reasons for the failure to complete the investigation within 6 months, a summary of the investigative steps taken, additional investigative steps contemplated at the time of the report, and an estimate of additional time necessary to complete the investigation.

(6) Any other information deemed necessary by the Executive Ethics Commission in determining whether to appoint a Special Inspector General.

(c) If an Executive Inspector General has referred an allegation to an appropriate law enforcement agency and continues to investigate the matter, the future reporting

requirements of this Section are suspended.

(d) Reports filed under this Section are exempt from the Freedom of Information Act.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-70)

Sec. 20-70. Cooperation in investigations. It is the duty of every officer and employee under the jurisdiction of an Executive Inspector General, including any inspector general serving in any State agency under the jurisdiction of that Executive Inspector General, to cooperate with the Executive Inspector General and the Attorney General in any investigation undertaken pursuant to this Act. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements. Failure to cooperate with an investigation of the Executive Inspector General or the Attorney General is grounds for disciplinary action, including dismissal. Nothing in this Section limits or alters a person's existing rights or protections under State or federal law.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-80)

Sec. 20-80. Referrals of investigations. If an Executive Inspector General determines that any alleged misconduct involves any person not subject to the jurisdiction of the Executive Ethics Commission, that Executive Inspector General shall refer the reported allegations to the appropriate Inspector General, appropriate ethics commission, or other appropriate body. If an Executive Inspector General determines that any alleged misconduct may give rise to criminal penalties, the Executive Inspector General may refer the allegations regarding that misconduct to the appropriate law enforcement authority. If an Executive Inspector General determines that any alleged misconduct resulted in the loss of public funds in an amount of \$5,000 or greater, the Executive Inspector General shall refer the allegations regarding that misconduct to the Attorney General and any other appropriate law enforcement authority.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-85)

Sec. 20-85. Monthly reports by Executive Inspector General. Each Executive Inspector General shall submit monthly reports to the appropriate executive branch constitutional officer, on dates determined by the executive branch constitutional officer, indicating:

- (1) the number of allegations received since the date of the last report;
- (2) the number of investigations initiated since the date of the last report;
- (3) the number of investigations concluded since the date of the last report;
- (4) the number of investigations pending as of the reporting date;
- (5) the number of complaints forwarded to the Attorney General since the date of the last report;
- (6) the number of actions filed with the Executive

Ethics Commission since the date of the last report and the number of actions pending before the Executive Ethics Commission as of the reporting date; and

(7) the number of allegations referred to any law enforcement agency.

The monthly report shall be available on the websites of the Executive Inspector General and the constitutional officer.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-86)

Sec. 20-86. Quarterly reports by the Attorney General. The Attorney General shall submit quarterly reports to the Executive Ethics Commission, on dates determined by the Executive Ethics Commission, indicating:

(1) the number of complaints received from each of the Executive Inspectors General since the date of the last report;

(2) the number of complaints for which the Attorney General has determined reasonable cause exists to believe that a violation has occurred since the date of the last report; and

(3) the number of complaints still under review by the Attorney General.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/20-90)

Sec. 20-90. Confidentiality.

(a) The identity of any individual providing information or reporting any possible or alleged misconduct to an Executive Inspector General or the Executive Ethics Commission shall be kept confidential and may not be disclosed without the consent of that individual, unless the individual consents to disclosure of his or her name or disclosure of the individual's identity is otherwise required by law. The confidentiality granted by this subsection does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation.

(b) Subject to the provisions of Section 20-52, commissioners, employees, and agents of the Executive Ethics Commission, the Executive Inspectors General, and employees and agents of each Office of an Executive Inspector General, the Attorney General, and the employees and agents of the office of the Attorney General shall keep confidential and shall not disclose information exempted from disclosure under the Freedom of Information Act or by this Act, provided the identity of any individual providing information or reporting any possible or alleged misconduct to the Executive Inspector General for the Governor may be disclosed to an Inspector General appointed or employed by a Regional Transit Board in accordance with Section 75-10.

(Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.)

(5 ILCS 430/20-95)

Sec. 20-95. Exemptions.

(a) Documents generated by an ethics officer under this Act, except Section 5-50, are exempt from the provisions of the Freedom of Information Act.

(b) Any allegations and related documents submitted to an Executive Inspector General and any pleadings and related

documents brought before the Executive Ethics Commission are exempt from the provisions of the Freedom of Information Act so long as the Executive Ethics Commission does not make a finding of a violation of this Act. If the Executive Ethics Commission finds that a violation has occurred, the entire record of proceedings before the Commission, the decision and recommendation, and the response from the agency head or ultimate jurisdictional authority to the Executive Ethics Commission are not exempt from the provisions of the Freedom of Information Act but information contained therein that is otherwise exempt from the Freedom of Information Act must be redacted before disclosure as provided in the Freedom of Information Act. A summary report released by the Executive Ethics Commission under Section 20-52 is a public record, but information redacted by the Executive Ethics Commission shall not be part of the public record.

(c) Meetings of the Commission are exempt from the provisions of the Open Meetings Act.

(d) Unless otherwise provided in this Act, all investigatory files and reports of the Office of an Executive Inspector General, other than monthly reports required under Section 20-85, are confidential, are exempt from disclosure under the Freedom of Information Act, and shall not be divulged to any person or agency, except as necessary (i) to a law enforcement authority, (ii) to the ultimate jurisdictional authority, (iii) to the Executive Ethics Commission, (iv) to another Inspector General appointed pursuant to this Act, or (v) to an Inspector General appointed or employed by a Regional Transit Board in accordance with Section 75-10.

(Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.)

(5 ILCS 430/Art. 25 heading)

ARTICLE 25

LEGISLATIVE ETHICS COMMISSION AND LEGISLATIVE INSPECTOR GENERAL

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-5)

Sec. 25-5. Legislative Ethics Commission.

(a) The Legislative Ethics Commission is created.

(b) The Legislative Ethics Commission shall consist of 8 commissioners appointed 2 each by the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

The terms of the initial commissioners shall commence upon qualification. Each appointing authority shall designate one appointee who shall serve for a 2-year term running through June 30, 2005. Each appointing authority shall designate one appointee who shall serve for a 4-year term running through June 30, 2007. The initial appointments shall be made within 60 days after the effective date of this Act.

After the initial terms, commissioners shall serve for 4-year terms commencing on July 1 of the year of appointment and running through June 30 of the fourth following year. Commissioners may be reappointed to one or more subsequent terms.

Vacancies occurring other than at the end of a term shall

be filled by the appointing authority only for the balance of the term of the commissioner whose office is vacant.

Terms shall run regardless of whether the position is filled.

(c) The appointing authorities shall appoint commissioners who have experience holding governmental office or employment and may appoint commissioners who are members of the General Assembly as well as commissioners from the general public. A commissioner who is a member of the General Assembly must recuse himself or herself from participating in any matter relating to any investigation or proceeding in which he or she is the subject. A person is not eligible to serve as a commissioner if that person (i) has been convicted of a felony or a crime of dishonesty or moral turpitude, (ii) is, or was within the preceding 12 months, engaged in activities that require registration under the Lobbyist Registration Act, (iii) is a relative of the appointing authority, or (iv) is a State officer or employee other than a member of the General Assembly.

(d) The Legislative Ethics Commission shall have jurisdiction over members of the General Assembly and all State employees whose ultimate jurisdictional authority is (i) a legislative leader, (ii) the Senate Operations Commission, or (iii) the Joint Committee on Legislative Support Services. The jurisdiction of the Commission is limited to matters arising under this Act.

An officer or executive branch State employee serving on a legislative branch board or commission remains subject to the jurisdiction of the Executive Ethics Commission and is not subject to the jurisdiction of the Legislative Ethics Commission.

(e) The Legislative Ethics Commission must meet, either in person or by other technological means, monthly or as often as necessary. At the first meeting of the Legislative Ethics Commission, the commissioners shall choose from their number a chairperson and other officers that they deem appropriate. The terms of officers shall be for 2 years commencing July 1 and running through June 30 of the second following year. Meetings shall be held at the call of the chairperson or any 3 commissioners. Official action by the Commission shall require the affirmative vote of 5 commissioners, and a quorum shall consist of 5 commissioners. Commissioners shall receive no compensation but may be reimbursed for their reasonable expenses actually incurred in the performance of their duties.

(f) No commissioner, other than a commissioner who is a member of the General Assembly, or employee of the Legislative Ethics Commission may during his or her term of appointment or employment:

- (1) become a candidate for any elective office;
- (2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;
- (3) be actively involved in the affairs of any political party or political organization; or
- (4) advocate for the appointment of another person to an appointed or elected office or position or actively participate in any campaign for any elective office.

(g) An appointing authority may remove a commissioner only for cause.

(h) The Legislative Ethics Commission shall appoint an Executive Director subject to the approval of at least 3 of the 4 legislative leaders. The compensation of the Executive Director shall be as determined by the Commission. The Executive Director of the Legislative Ethics Commission may employ, subject to the approval of at least 3 of the 4 legislative leaders, and determine the compensation of staff, as appropriations permit.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/25-10)

Sec. 25-10. Office of Legislative Inspector General.

(a) The independent Office of the Legislative Inspector General is created. The Office shall be under the direction and supervision of the Legislative Inspector General and shall be a fully independent office with its own appropriation.

(b) The Legislative Inspector General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability. The Legislative Ethics Commission shall diligently search out qualified candidates for Legislative Inspector General and shall make recommendations to the General Assembly.

The Legislative Inspector General shall be appointed by a joint resolution of the Senate and the House of Representatives, which may specify the date on which the appointment takes effect. A joint resolution, or other document as may be specified by the Joint Rules of the General Assembly, appointing the Legislative Inspector General must be certified by the Speaker of the House of Representatives and the President of the Senate as having been adopted by the affirmative vote of three-fifths of the members elected to each house, respectively, and be filed with the Secretary of State. The appointment of the Legislative Inspector General takes effect on the day the appointment is completed by the General Assembly, unless the appointment specifies a later date on which it is to become effective.

The Legislative Inspector General shall have the following qualifications:

(1) has not been convicted of any felony under the laws of this State, another state, or the United States;

(2) has earned a baccalaureate degree from an institution of higher education; and

(3) has 5 or more years of cumulative service (A) with a federal, State, or local law enforcement agency, at least 2 years of which have been in a progressive investigatory capacity; (B) as a federal, State, or local prosecutor; (C) as a senior manager or executive of a federal, State, or local agency; (D) as a member, an officer, or a State or federal judge; or (E) representing any combination of (A) through (D).

The Legislative Inspector General may not be a relative of a commissioner.

The term of the initial Legislative Inspector General shall commence upon qualification and shall run through June 30, 2008.

After the initial term, the Legislative Inspector General shall serve for 5-year terms commencing on July 1 of the year of appointment and running through June 30 of the fifth following year. The Legislative Inspector General may be reappointed to one or more subsequent terms.

A vacancy occurring other than at the end of a term shall be filled in the same manner as an appointment only for the balance of the term of the Legislative Inspector General whose office is vacant. If the Office is vacant, or if a Legislative Inspector General resigns, the Commission shall designate an Acting Legislative Inspector General who shall serve until the vacancy is filled. The Commission shall file the designation in writing with the Secretary of State.

Terms shall run regardless of whether the position is filled.

(c) The Legislative Inspector General shall have jurisdiction over the members of the General Assembly and all State employees whose ultimate jurisdictional authority is (i) a legislative leader, (ii) the Senate Operations Commission, or (iii) the Joint Committee on Legislative Support Services.

The jurisdiction of each Legislative Inspector General is to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of this Act or violations of other related laws and rules.

(d) The compensation of the Legislative Inspector General shall be the greater of an amount (i) determined by the Commission or (ii) by joint resolution of the General Assembly passed by a majority of members elected in each chamber. Subject to Section 25-45 of this Act, the Legislative Inspector General has full authority to organize the Office of the Legislative Inspector General, including the employment and determination of the compensation of staff, such as deputies, assistants, and other employees, as appropriations permit. Employment of staff is subject to the approval of at least 3 of the 4 legislative leaders.

(e) No Legislative Inspector General or employee of the Office of the Legislative Inspector General may, during his or her term of appointment or employment:

- (1) become a candidate for any elective office;
- (2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;
- (3) be actively involved in the affairs of any political party or political organization; or
- (4) actively participate in any campaign for any elective office.

In this subsection an appointed public office means a position authorized by law that is filled by an appointing authority as provided by law and does not include employment by hiring in the ordinary course of business.

(e-1) No Legislative Inspector General or employee of the Office of the Legislative Inspector General may, for one year after the termination of his or her appointment or employment:

- (1) become a candidate for any elective office;
- (2) hold any elected public office; or
- (3) hold any appointed State, county, or local judicial office.

(e-2) The requirements of item (3) of subsection (e-1) may be waived by the Legislative Ethics Commission.

(f) The Commission may remove the Legislative Inspector General only for cause. At the time of the removal, the Commission must report to the General Assembly the

justification for the removal.
(Source: P.A. 98-631, eff. 5-29-14.)

(5 ILCS 430/25-15)

Sec. 25-15. Duties of the Legislative Ethics Commission. In addition to duties otherwise assigned by law, the Legislative Ethics Commission shall have the following duties:

(1) To promulgate rules governing the performance of its duties and the exercise of its powers and governing the investigations of the Legislative Inspector General.

(2) To conduct administrative hearings and rule on matters brought before the Commission only upon the receipt of pleadings filed by the Legislative Inspector General and not upon its own prerogative, but may appoint special Legislative Inspectors General as provided in Section 25-21. Any other allegations of misconduct received by the Commission from a person other than the Legislative Inspector General shall be referred to the Office of the Legislative Inspector General.

(3) To prepare and publish manuals and guides and, working with the Office of the Attorney General, oversee training of employees under its jurisdiction that explains their duties.

(4) To prepare public information materials to facilitate compliance, implementation, and enforcement of this Act.

(5) To submit reports as required by this Act.

(6) To the extent authorized by this Act, to make rulings, issue recommendations, and impose administrative fines, if appropriate, in connection with the implementation and interpretation of this Act. The powers and duties of the Commission are limited to matters clearly within the purview of this Act.

(7) To issue subpoenas with respect to matters pending before the Commission, subject to the provisions of this Article and in the discretion of the Commission, to compel the attendance of witnesses for purposes of testimony and the production of documents and other items for inspection and copying.

(8) To appoint special Legislative Inspectors General as provided in Section 25-21.

(9) To conspicuously display on the Commission's website the procedures for reporting a violation of this Act, including how to report violations via email or online.

(Source: P.A. 100-554, eff. 11-16-17.)

(5 ILCS 430/25-20)

Sec. 25-20. Duties of the Legislative Inspector General. In addition to duties otherwise assigned by law, the Legislative Inspector General shall have the following duties:

(1) To receive and investigate allegations of violations of this Act. Except as otherwise provided in paragraph (1.5), an investigation may not be initiated more than one year after the most recent act of the alleged violation or of a series of alleged violations except where there is reasonable cause to believe that fraudulent concealment has occurred. To constitute fraudulent concealment sufficient to toll this limitations period, there must be an affirmative act or representation

calculated to prevent discovery of the fact that a violation has occurred. The Legislative Inspector General shall have the discretion to determine the appropriate means of investigation as permitted by law.

(1.5) Notwithstanding any provision of law to the contrary, the Legislative Inspector General, whether appointed by the Legislative Ethics Commission or the General Assembly, may initiate an investigation based on information provided to the Office of the Legislative Inspector General or the Legislative Ethics Commission during the period from December 1, 2014 through November 3, 2017. Any investigation initiated under this paragraph (1.5) must be initiated within one year after the effective date of this amendatory Act of the 100th General Assembly.

(2) To request information relating to an investigation from any person when the Legislative Inspector General deems that information necessary in conducting an investigation.

(3) To issue subpoenas, with the advance approval of the Commission, to compel the attendance of witnesses for the purposes of testimony and production of documents and other items for inspection and copying and to make service of those subpoenas and subpoenas issued under item (7) of Section 25-15.

(4) To submit reports as required by this Act.

(5) To file pleadings in the name of the Legislative Inspector General with the Legislative Ethics Commission, through the Attorney General, as provided in this Article if the Attorney General finds that reasonable cause exists to believe that a violation has occurred.

(6) To assist and coordinate the ethics officers for State agencies under the jurisdiction of the Legislative Inspector General and to work with those ethics officers.

(7) To participate in or conduct, when appropriate, multi-jurisdictional investigations.

(8) To request, as the Legislative Inspector General deems appropriate, from ethics officers of State agencies under his or her jurisdiction, reports or information on (i) the content of a State agency's ethics training program and (ii) the percentage of new officers and employees who have completed ethics training.

(9) To establish a policy that ensures the appropriate handling and correct recording of all investigations of allegations and to ensure that the policy is accessible via the Internet in order that those seeking to report those allegations are familiar with the process and that the subjects of those allegations are treated fairly.

(Source: P.A. 100-553, eff. 11-16-17.)

(5 ILCS 430/25-20a)

Sec. 25-20a. Attorney General investigatory authority. In addition to investigatory authority otherwise granted by law, the Attorney General shall have the authority to investigate violations of this Act pursuant to Section 25-50 or Section 25-51 of this Act after receipt of notice from the Legislative Ethics Commission or pursuant to Section 5-45. The Attorney General shall have the discretion to determine the appropriate means of investigation as permitted by law, including (i) the

request of information relating to an investigation from any person when the Attorney General deems that information necessary in conducting an investigation; and (ii) the issuance of subpoenas to compel the attendance of witnesses for the purposes of sworn testimony and production of documents and other items for inspection and copying and the service of those subpoenas.

Nothing in this Section shall be construed as granting the Attorney General the authority to investigate alleged misconduct pursuant to notice received under Section 5-45, Section 25-50, or Section 25-51 of this Act, if the information contained in the notice indicates that the alleged misconduct was minor in nature. As used in this Section, misconduct that is "minor in nature" means misconduct that was a violation of office, agency, or department policy and not of this Act or any other civil or criminal law.
(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/25-21)

Sec. 25-21. Special Legislative Inspectors General.

(a) The Legislative Ethics Commission, on its own initiative and by majority vote, may appoint special Legislative Inspectors General (i) to investigate alleged violations of this Act, if an investigation by the Inspector General was not concluded within 6 months after its initiation, where the Commission finds that the Inspector General's reasons under Section 25-65 for failing to complete the investigation are insufficient and (ii) to accept referrals from the Commission of allegations made pursuant to this Act concerning the Legislative Inspector General or an employee of the Office of the Legislative Inspector General and to investigate those allegations.

(b) A special Legislative Inspector General must have the same qualifications as the Legislative Inspector General appointed under Section 25-10.

(c) The Commission's appointment of a special Legislative Inspector General must be in writing and must specify the duration and purpose of the appointment.

(d) A special Legislative Inspector General shall have the same powers and duties with respect to the purpose of his or her appointment as the Legislative Inspector General appointed under Section 25-10.

(e) A special Legislative Inspector General shall report the findings of his or her investigation to the Commission.

(f) The Commission may report the findings of a special Legislative Inspector General and its recommendations, if any, to the General Assembly.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-23)

Sec. 25-23. Ethics Officers. The President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives shall each appoint an ethics officer for the members and employees of his or her legislative caucus. No later than January 1, 2004, the head of each State agency under the jurisdiction of the Legislative Ethics Commission, other than the General Assembly, shall designate an ethics officer for the State agency. Ethics Officers shall:

(1) act as liaisons between the State agency and the

Legislative Inspector General and between the State agency and the Legislative Ethics Commission;

(2) review statements of economic interest and disclosure forms of officers, senior employees, and contract monitors before they are filed with the Secretary of State; and

(3) provide guidance to officers and employees in the interpretation and implementation of this Act, which the officer or employee may in good faith rely upon. Such guidance shall be based, wherever possible, upon legal precedent in court decisions, opinions of the Attorney General, and the findings and opinions of the Legislative Ethics Commission.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-35)

Sec. 25-35. Administrative subpoena; compliance. A person duly subpoenaed for testimony, documents, or other items who neglects or refuses to testify or produce documents or other items under the requirements of the subpoena shall be subject to punishment as may be determined by a court of competent jurisdiction. Nothing in this Section limits or alters a person's existing rights or protections under State or federal law.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-45)

Sec. 25-45. Standing; representation.

(a) Only the Legislative Inspector General may bring actions before the Legislative Ethics Commission.

(b) The Attorney General shall represent the Legislative Inspector General in all proceedings before the Commission. Whenever the Attorney General is sick or absent, or unable to attend, or is interested in any matter or proceeding under this Act, upon the filing of a petition under seal by any person with standing, the Supreme Court (or any other court of competent jurisdiction as designated and determined by rule of the Supreme Court) may appoint some competent attorney to prosecute or defend that matter or proceeding, and the attorney so appointed shall have the same power and authority in relation to that matter or proceeding as the Attorney General would have had if present and attending to the same.

(c) Attorneys representing an Inspector General in proceedings before the Legislative Ethics Commission, except an attorney appointed under subsection (b), shall be appointed or retained by the Attorney General, shall be under the supervision, direction, and control of the Attorney General, and shall serve at the pleasure of the Attorney General. The compensation of any attorneys appointed or retained in accordance with this subsection or subsection (b) shall be paid by the Office of the Legislative Inspector General.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-50)

Sec. 25-50. Investigation reports.

(a) If the Legislative Inspector General, upon the conclusion of an investigation, determines that reasonable cause exists to believe that a violation has occurred, then the Legislative Inspector General shall issue a summary report of the investigation. The report shall be delivered to the

appropriate ultimate jurisdictional authority and to the head of each State agency affected by or involved in the investigation, if appropriate. The appropriate ultimate jurisdictional authority or agency head shall respond to the summary report within 20 days, in writing, to the Legislative Inspector General. The response shall include a description of any corrective or disciplinary action to be imposed.

(b) The summary report of the investigation shall include the following:

(1) A description of any allegations or other information received by the Legislative Inspector General pertinent to the investigation.

(2) A description of any alleged misconduct discovered in the course of the investigation.

(3) Recommendations for any corrective or disciplinary action to be taken in response to any alleged misconduct described in the report, including but not limited to discharge.

(4) Other information the Legislative Inspector General deems relevant to the investigation or resulting recommendations.

(c) Within 30 days after receiving a response from the appropriate ultimate jurisdictional authority or agency head under subsection (a), the Legislative Inspector General shall notify the Commission and the Attorney General if the Legislative Inspector General believes that a complaint should be filed with the Commission. If the Legislative Inspector General desires to file a complaint with the Commission, the Legislative Inspector General shall submit the summary report and supporting documents to the Attorney General. If the Attorney General concludes that there is insufficient evidence that a violation has occurred, the Attorney General shall notify the Legislative Inspector General and the Legislative Inspector General shall deliver to the Legislative Ethics Commission a copy of the summary report and response from the ultimate jurisdictional authority or agency head. If the Attorney General determines that reasonable cause exists to believe that a violation has occurred, then the Legislative Inspector General, represented by the Attorney General, may file with the Legislative Ethics Commission a complaint. The complaint shall set forth the alleged violation and the grounds that exist to support the complaint. The complaint must be filed with the Commission within 18 months after the most recent act of the alleged violation or of a series of alleged violations except where there is reasonable cause to believe that fraudulent concealment has occurred. To constitute fraudulent concealment sufficient to toll this limitations period, there must be an affirmative act or representation calculated to prevent discovery of the fact that a violation has occurred. If a complaint is not filed with the Commission within 6 months after notice by the Inspector General to the Commission and the Attorney General, then the Commission may set a meeting of the Commission at which the Attorney General shall appear and provide a status report to the Commission.

(c-5) Within 30 days after receiving a response from the appropriate ultimate jurisdictional authority or agency head under subsection (a), if the Legislative Inspector General does not believe that a complaint should be filed, the Legislative Inspector General shall deliver to the Legislative

Ethics Commission a statement setting forth the basis for the decision not to file a complaint and a copy of the summary report and response from the ultimate jurisdictional authority or agency head. The Inspector General may also submit a redacted version of the summary report and response from the ultimate jurisdictional authority if the Inspector General believes either contains information that, in the opinion of the Inspector General, should be redacted prior to releasing the report, may interfere with an ongoing investigation, or identifies an informant or complainant.

(c-10) If, after reviewing the documents, the Commission believes that further investigation is warranted, the Commission may request that the Legislative Inspector General provide additional information or conduct further investigation. The Commission may also refer the summary report and response from the ultimate jurisdictional authority to the Attorney General for further investigation or review. If the Commission requests the Attorney General to investigate or review, the Commission must notify the Attorney General and the Legislative Inspector General. The Attorney General may not begin an investigation or review until receipt of notice from the Commission. If, after review, the Attorney General determines that reasonable cause exists to believe that a violation has occurred, then the Attorney General may file a complaint with the Legislative Ethics Commission. If the Attorney General concludes that there is insufficient evidence that a violation has occurred, the Attorney General shall notify the Legislative Ethics Commission and the appropriate Legislative Inspector General.

(d) A copy of the complaint filed with the Legislative Ethics Commission must be served on all respondents named in the complaint and on each respondent's ultimate jurisdictional authority in the same manner as process is served under the Code of Civil Procedure.

(e) A respondent may file objections to the complaint within 30 days after notice of the petition has been served on the respondent.

(f) The Commission shall meet, at least 30 days after the complaint is served on all respondents either in person or by telephone, in a closed session to review the sufficiency of the complaint. The Commission shall issue notice by certified mail, return receipt requested, to the Legislative Inspector General, the Attorney General, and all respondents of the Commission's ruling on the sufficiency of the complaint. If the complaint is deemed to sufficiently allege a violation of this Act, then the Commission shall include a hearing date scheduled within 4 weeks after the date of the notice, unless all of the parties consent to a later date. If the complaint is deemed not to sufficiently allege a violation, then the Commission shall send by certified mail, return receipt requested, a notice to the Legislative Inspector General, the Attorney General, and all respondents the decision to dismiss the complaint.

(g) On the scheduled date the Commission shall conduct a closed meeting, either in person or, if the parties consent, by telephone, on the complaint and allow all parties the opportunity to present testimony and evidence. All such proceedings shall be transcribed.

(h) Within an appropriate time limit set by rules of the Legislative Ethics Commission, the Commission shall (i)

dismiss the complaint, (ii) issue a recommendation of discipline to the respondent and the respondent's ultimate jurisdictional authority, (iii) impose an administrative fine upon the respondent, (iv) issue injunctive relief as described in Section 50-10, or (v) impose a combination of (ii) through (iv).

(i) The proceedings on any complaint filed with the Commission shall be conducted pursuant to rules promulgated by the Commission.

(j) The Commission may designate hearing officers to conduct proceedings as determined by rule of the Commission.

(k) In all proceedings before the Commission, the standard of proof is by a preponderance of the evidence.

(l) Within 30 days after the issuance of a final administrative decision that concludes that a violation occurred, the Legislative Ethics Commission shall make public the entire record of proceedings before the Commission, the decision, any recommendation, any discipline imposed, and the response from the agency head or ultimate jurisdictional authority to the Legislative Ethics Commission.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/25-51)

Sec. 25-51. Closed investigations. When the Legislative Inspector General concludes that there is insufficient evidence that a violation has occurred, the Inspector General shall close the investigation. The Legislative Inspector General shall provide the Commission with a written statement of the decision to close the investigation. At the request of the subject of the investigation, the Legislative Inspector General shall provide a written statement to the subject of the investigation of the Inspector General's decision to close the investigation. Closure by the Legislative Inspector General does not bar the Inspector General from resuming the investigation if circumstances warrant. The Commission also has the discretion to request that the Legislative Inspector General conduct further investigation of any matter closed pursuant to this Section, or to refer the allegations to the Attorney General for further review or investigation. If the Commission requests the Attorney General to investigate or review, the Commission must notify the Attorney General and the Inspector General. The Attorney General may not begin an investigation or review until receipt of notice from the Commission.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/25-52)

Sec. 25-52. Release of summary reports.

(a) Within 60 days after receipt of a summary report and response from the ultimate jurisdictional authority or agency head that resulted in a suspension of at least 3 days or termination of employment, the Legislative Ethics Commission shall make available to the public the report and response or a redacted version of the report and response. The Legislative Ethics Commission may make available to the public any other summary report and response of the ultimate jurisdictional authority or agency head or a redacted version of the report and response.

(b) The Legislative Ethics Commission shall redact information in the summary report that may reveal the identity

of witnesses, complainants, or informants or if the Commission determines it is appropriate to protect the identity of a person before publication. The Commission may also redact any information it believes should not be made public. Prior to publication, the Commission shall permit the respondents, Legislative Inspector General, and Attorney General to review documents to be made public and offer suggestions for redaction or provide a response that shall be made public with the summary report.

(c) The Legislative Ethics Commission may withhold publication of the report or response if the Legislative Inspector General or Attorney General certifies that publication will interfere with an ongoing investigation.
(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/25-55)

Sec. 25-55. Decisions; recommendations.

(a) All decisions of the Legislative Ethics Commission must include a description of the alleged misconduct, the decision of the Commission, including any fines levied and any recommendation of discipline, and the reasoning for that decision. All decisions of the Commission shall be delivered to the head of the appropriate State agency, the appropriate ultimate jurisdictional authority, and the Legislative Inspector General. The Legislative Ethics Commission shall promulgate rules for the decision and recommendation process.

(b) If the Legislative Ethics Commission issues a recommendation of discipline to an agency head or ultimate jurisdictional authority, that agency head or ultimate jurisdictional authority must respond to that recommendation in 30 days with a written response to the Legislative Ethics Commission. This response must include any disciplinary action the agency head or ultimate jurisdictional authority has taken with respect to the officer or employee in question. If the agency head or ultimate jurisdictional authority did not take any disciplinary action, or took a different disciplinary action than that recommended by the Legislative Ethics Commission, the agency head or ultimate jurisdictional authority must describe the different action and explain the reasons for the different action in the written response. This response must be served upon the Legislative Ethics Commission and the Legislative Inspector General within the 30-day period and is not exempt from the provisions of the Freedom of Information Act.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-60)

Sec. 25-60. Appeals. A decision of the Legislative Ethics Commission to impose a fine is subject to judicial review under the Administrative Review Law. All other decisions by the Legislative Ethics Commission are final and not subject to review either administratively or judicially.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-65)

Sec. 25-65. Reporting of investigations.

(a) The Legislative Inspector General shall file a quarterly activity report with the Legislative Ethics Commission that reflects investigative activity during the previous quarter. The Legislative Ethics Commission shall

establish the reporting dates. The activity report shall include at least the following:

(1) A summary of any investigation opened during the preceding quarter, the affected office, agency or agencies, the investigation's unique tracking number, and a brief statement of the general nature of the allegation or allegations.

(2) A summary of any investigation closed during the preceding quarter, the affected office, agency or agencies, the investigation's unique tracking number, and a brief statement of the general nature of the allegation or allegations.

(3) The status of an ongoing investigation that remained open at the end of the quarter, the affected office, agency or agencies, the investigation's unique tracking number, and a brief statement of the general nature of the investigation.

(b) If any investigation is not concluded within 6 months after its initiation, the Legislative Inspector General shall file a 6-month report with the Legislative Ethics Commission no later than 10 days after the 6th month. The 6-month report shall disclose:

(1) The general nature of the allegation or information giving rise to the investigation, the title or job duties of the subjects of the investigation, and the investigation's unique tracking number.

(2) The date of the last alleged violation of this Act or other State law giving rise to the investigation.

(3) Whether the Legislative Inspector General has found credible the allegations of criminal conduct.

(4) Whether the allegation has been referred to an appropriate law enforcement agency and the identity of the law enforcement agency to which those allegations were referred.

(5) If an allegation has not been referred to an appropriate law enforcement agency, the reasons for the failure to complete the investigation within 6 months, a summary of the investigative steps taken, additional investigative steps contemplated at the time of the report, and an estimate of additional time necessary to complete the investigation.

(6) Any other information deemed necessary by the Legislative Ethics Commission in determining whether to appoint a Special Inspector General.

(c) If the Legislative Inspector General has referred an allegation to an appropriate law enforcement agency and continues to investigate the matter, the future reporting requirements of this Section are suspended.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/25-70)

Sec. 25-70. Cooperation in investigations. It is the duty of every officer and employee under the jurisdiction of the Legislative Inspector General, including any inspector general serving in any State agency under the jurisdiction of the Legislative Inspector General, to cooperate with the Legislative Inspector General in any investigation undertaken pursuant to this Act. Failure to cooperate with an investigation of the Legislative Inspector General is grounds for disciplinary action, including dismissal. Nothing in this

Section limits or alters a person's existing rights or privileges under State or federal law.
(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-80)

Sec. 25-80. Referrals of investigations. If the Legislative Inspector General determines that any alleged misconduct involves any person not subject to the jurisdiction of the Legislative Ethics Commission, the Legislative Inspector General shall refer the reported allegations to the appropriate ethics commission or other appropriate body. If the Legislative Inspector General determines that any alleged misconduct may give rise to criminal penalties, the Legislative Inspector General may refer the allegations regarding that misconduct to the appropriate law enforcement authority.
(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-85)

Sec. 25-85. Quarterly reports by the Legislative Inspector General. The Legislative Inspector General shall submit quarterly reports to the General Assembly and the Legislative Ethics Commission, on dates determined by the Legislative Ethics Commission, indicating:

- (1) the number of allegations received since the date of the last report;
- (2) the number of investigations initiated since the date of the last report;
- (3) the number of investigations concluded since the date of the last report;
- (4) the number of investigations pending as of the reporting date;
- (5) the number of complaints forwarded to the Attorney General since the date of the last report; and
- (6) the number of actions filed with the Legislative Ethics Commission since the date of the last report and the number of actions pending before the Legislative Ethics Commission as of the reporting date.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-86)

Sec. 25-86. Quarterly reports by the Attorney General. The Attorney General shall submit quarterly reports to the Legislative Ethics Commission, on dates determined by the Legislative Ethics Commission, indicating:

- (1) the number of complaints received from the Legislative Inspector General since the date of the last report;
- (2) the number of complaints for which the Attorney General has determined reasonable cause exists to believe that a violation has occurred since the date of the last report; and
- (3) the number of complaints still under review by the Attorney General.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-90)

Sec. 25-90. Confidentiality.

- (a) The identity of any individual providing information or reporting any possible or alleged misconduct to the

Legislative Inspector General or the Legislative Ethics Commission shall be kept confidential and may not be disclosed without the consent of that individual, unless the individual consents to disclosure of his or her name or disclosure of the individual's identity is otherwise required by law. The confidentiality granted by this subsection does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation.

(b) Subject to the provisions of Section 25-50(c), commissioners, employees, and agents of the Legislative Ethics Commission, the Legislative Inspector General, and employees and agents of the Office of the Legislative Inspector General shall keep confidential and shall not disclose information exempted from disclosure under the Freedom of Information Act or by this Act.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-95)

Sec. 25-95. Exemptions.

(a) Documents generated by an ethics officer under this Act, except Section 5-50, are exempt from the provisions of the Freedom of Information Act.

(a-5) Requests from ethics officers, members, and State employees to the Office of the Legislative Inspector General, a Special Legislative Inspector General, the Legislative Ethics Commission, an ethics officer, or a person designated by a legislative leader for guidance on matters involving the interpretation or application of this Act or rules promulgated under this Act are exempt from the provisions of the Freedom of Information Act. Guidance provided to an ethics officer, member, or State employee at the request of an ethics officer, member, or State employee by the Office of the Legislative Inspector General, a Special Legislative Inspector General, the Legislative Ethics Commission, an ethics officer, or a person designated by a legislative leader on matters involving the interpretation or application of this Act or rules promulgated under this Act is exempt from the provisions of the Freedom of Information Act.

(b) Summary investigation reports released by the Legislative Ethics Commission as provided in Section 25-52 are public records. Otherwise, any allegations and related documents submitted to the Legislative Inspector General and any pleadings and related documents brought before the Legislative Ethics Commission are exempt from the provisions of the Freedom of Information Act so long as the Legislative Ethics Commission does not make a finding of a violation of this Act. If the Legislative Ethics Commission finds that a violation has occurred, the entire record of proceedings before the Commission, the decision and recommendation, and the mandatory report from the agency head or ultimate jurisdictional authority to the Legislative Ethics Commission are not exempt from the provisions of the Freedom of Information Act but information contained therein that is exempt from the Freedom of Information Act must be redacted before disclosure as provided in Section 8 of the Freedom of Information Act.

(c) Meetings of the Commission are exempt from the provisions of the Open Meetings Act.

(d) Unless otherwise provided in this Act, all investigatory files and reports of the Office of the

Legislative Inspector General, other than monthly reports, are confidential, are exempt from disclosure under the Freedom of Information Act, and shall not be divulged to any person or agency, except as necessary (i) to the appropriate law enforcement authority if the matter is referred pursuant to this Act, (ii) to the ultimate jurisdictional authority, or (iii) to the Legislative Ethics Commission.
(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/Art. 30 heading)

ARTICLE 30

AUDITOR GENERAL

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/30-5)

Sec. 30-5. Appointment of Inspector General.

(a) The Auditor General shall appoint an Inspector General (i) to investigate allegations of violations of Articles 5 and 10 by State officers and employees under his or her jurisdiction and (ii) to perform other duties and exercise other powers assigned to the Inspectors General by this or any other Act. The Inspector General shall be appointed within 6 months after the effective date of this Act.

(b) The Auditor General shall provide by rule for the operation of his or her Inspector General. It is declared to be in the public interest, safety, and welfare that the Auditor General adopt emergency rules under the Illinois Administrative Procedure Act to initially perform his or her duties under this subsection.

(c) The Auditor General may appoint an existing inspector general as the Inspector General required by this Article, provided that such an inspector general is not prohibited by law, rule, jurisdiction, qualification, or interest from serving as the Inspector General required by this Article.

The Auditor General may not appoint a relative as the Inspector General required by this Article.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/30-10)

Sec. 30-10. Ethics Officer. The Auditor General shall designate an Ethics Officer for the office of the Auditor General. The ethics officer shall:

(1) act as liaison between the Office of the Auditor General and the Inspector General appointed under this Article;

(2) review statements of economic interest and disclosure forms of officers, senior employees, and contract monitors before they are filed with the Secretary of State; and

(3) provide guidance to officers and employees in the interpretation and implementation of this Act, which the officer or employee may in good faith rely upon. Such guidance shall be based, whenever possible, upon legal precedent in court decisions and opinions of the Attorney General.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/Art. 35 heading)

ARTICLE 35

OTHER INSPECTORS GENERAL WITHIN
THE EXECUTIVE BRANCH

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/35-5)

Sec. 35-5. Appointment of Inspectors General. Nothing in this Act precludes the appointment by the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, the Comptroller, or the Treasurer of any inspector general required or permitted by law. Nothing in this Act precludes the Governor, the Attorney General, the Secretary of State, the Comptroller, or the Treasurer from appointing an existing inspector general under his or her jurisdiction to serve simultaneously as an Executive Inspector General. This Act shall be read consistently with all existing State statutes that create inspectors general under the jurisdiction of an executive branch constitutional officer.

This Act prohibits the appointment or employment by an officer, member, State employee, or State agency of any person to serve or act with respect to one or more State agencies as an Inspector General under this Act except as authorized and required by Articles 20, 25, and 30 of this Act or Section 14 of the Secretary of State Act. No officer, member, State employee, or State agency may appoint or employ an inspector general for any purpose except as authorized or required by law.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/Art. 50 heading)

ARTICLE 50

PENALTIES

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/50-5)

Sec. 50-5. Penalties.

(a) A person is guilty of a Class A misdemeanor if that person intentionally violates any provision of Section 5-15, 5-30, 5-40, or 5-45 or Article 15.

(a-1) An ethics commission may levy an administrative fine for a violation of Section 5-45 of this Act of up to 3 times the total annual compensation that would have been obtained in violation of Section 5-45.

(b) A person who intentionally violates any provision of Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business offense subject to a fine of at least \$1,001 and up to \$5,000.

(c) A person who intentionally violates any provision of Article 10 is guilty of a business offense and subject to a fine of at least \$1,001 and up to \$5,000.

(d) Any person who intentionally makes a false report alleging a violation of any provision of this Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor.

(e) An ethics commission may levy an administrative fine of up to \$5,000 against any person who violates this Act, who intentionally obstructs or interferes with an investigation conducted under this Act by an inspector general, or who intentionally makes a false, frivolous, or bad faith allegation.

(f) In addition to any other penalty that may apply, whether criminal or civil, a State employee who intentionally violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35, 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or 25-90 is subject to discipline or discharge by the appropriate ultimate jurisdictional authority.

(g) Any person who violates Section 5-65 is subject to a fine of up to \$5,000 per offense, and is subject to discipline or discharge by the appropriate ultimate jurisdictional authority. Each violation of Section 5-65 is a separate offense. Any penalty imposed by an ethics commission shall be separate and distinct from any fines or penalties imposed by a court of law or a State or federal agency.

(h) Any person who violates Section 4.7 or paragraph (d) of Section 5 of the Lobbyist Registration Act is guilty of a business offense and shall be subject to a fine of up to \$5,000. Any penalty imposed by an ethics commission shall be separate and distinct from any fines or penalties imposed by a court of law or by the Secretary of State under the Lobbyist Registration Act.

(Source: P.A. 100-554, eff. 11-16-17.)

(5 ILCS 430/50-10)

Sec. 50-10. Injunctive relief.

(a) For a violation of any Section of this Act, an ethics commission may issue appropriate injunctive relief up to and including discharge of a State employee.

(b) Any injunctive relief issued pursuant to this Section must comport with the requirements of Section 20-40.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/Art. 70 heading)

ARTICLE 70

GOVERNMENTAL ENTITIES

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/70-5)

Sec. 70-5. Adoption by governmental entities.

(a) Within 6 months after the effective date of this Act, each governmental entity other than a community college district, and each community college district within 6 months after the effective date of this amendatory Act of the 95th General Assembly, shall adopt an ordinance or resolution that regulates, in a manner no less restrictive than Section 5-15 and Article 10 of this Act, (i) the political activities of officers and employees of the governmental entity and (ii) the soliciting and accepting of gifts by and the offering and making of gifts to officers and employees of the governmental entity. No later than 60 days after the effective date of this amendatory Act of the 100th General Assembly, each governmental unit shall adopt an ordinance or resolution

establishing a policy to prohibit sexual harassment. The policy shall include, at a minimum: (i) a prohibition on sexual harassment; (ii) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Department of Human Rights; (iii) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under this Act, the Whistleblower Act, and the Illinois Human Rights Act; and (iv) the consequences of a violation of the prohibition on sexual harassment and the consequences for knowingly making a false report.

(b) Within 3 months after the effective date of this amendatory Act of the 93rd General Assembly, the Attorney General shall develop model ordinances and resolutions for the purpose of this Article. The Attorney General shall advise governmental entities on their contents and adoption.

(c) As used in this Article, (i) an "officer" means an elected or appointed official; regardless of whether the official is compensated, and (ii) an "employee" means a full-time, part-time, or contractual employee.

(Source: P.A. 100-554, eff. 11-16-17.)

(5 ILCS 430/70-10)

Sec. 70-10. Penalties. A governmental entity may provide in the ordinance or resolution required by this Article for penalties similar to those provided in this Act for similar conduct.

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/70-15)

Sec. 70-15. Home rule preemption. This Article is a denial and limitation of home rule powers and functions in accordance with subsection (i) of Section 6 of Article VII of the Illinois Constitution. A home rule unit may not regulate the political activities of its officers and employees and the soliciting, offering, accepting, and making of gifts in a manner less restrictive than the provisions of Section 70-5.

(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

(5 ILCS 430/70-20)

Sec. 70-20. Members appointed by a county. In addition to any other applicable requirement of law, any member of a governmental entity appointed by the president or chairperson of the county board, or by any member or members of the county board, with or without the advice and consent of the county board, shall abide by the ethics laws applicable to, and the ethics policies of, that county and, if applicable, shall be subject to the jurisdiction of that county's ethics officer or inspector general.

(Source: P.A. 98-457, eff. 8-16-13; 98-894, eff. 1-1-15.)

(5 ILCS 430/Art. 75 heading)

ARTICLE 75. REGIONAL TRANSIT BOARDS

(Source: P.A. 96-1528, eff. 7-1-11.)

(5 ILCS 430/75-5)

Sec. 75-5. Application of the State Officials and Employees Ethics Act to the Regional Transit Boards.

(a) Beginning July 1, 2011, the provisions of Articles 1, 5, 10, 20, and 50 of this Act, as well as this Article, shall apply to the Regional Transit Boards. As used in Articles 1, 5, 10, 20, 50, and 75, (i) "appointee" and "officer" include a person appointed to serve on the board of a Regional Transit Board, and (ii) "employee" and "State employee" include a full-time, part-time, or contractual employee of a Regional Transit Board.

(b) The Executive Ethics Commission shall have jurisdiction over all board members and employees of the Regional Transit Boards. The Executive Inspector General appointed by the Governor shall have jurisdiction over all board members, employees, vendors, and others doing business with the Regional Transit Boards to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of this Act.
(Source: P.A. 96-1528, eff. 7-1-11.)

(5 ILCS 430/75-10)

Sec. 75-10. Coordination between Executive Inspector General and Inspectors General appointed by Regional Transit Boards.

(a) Nothing in this amendatory Act of the 96th General Assembly precludes a Regional Transit Board from appointing or employing an Inspector General to serve under the jurisdiction of a Regional Transit Board to receive complaints and conduct investigations in accordance with an ordinance or resolution adopted by that respective Board, provided he or she is approved by the Executive Ethics Commission. A Regional Transit Board shall notify the Executive Ethics Commission within 10 days after employing or appointing a person to serve as Inspector General, and the Executive Ethics Commission shall approve or reject the appointment or employment of the Inspector General. Any notification not acted upon by the Executive Ethics Commission within 60 days after its receipt shall be deemed to have received the approval of the Executive Ethics Commission. Within 30 days after the effective date of this amendatory Act of the 96th General Assembly, a Regional Transit Board shall notify the Executive Ethics Commission of any person serving on the effective date of this amendatory Act as an Inspector General for the Regional Transit Board, and the Executive Ethics Commission shall approve or reject the appointment or employment within 30 days after receipt of the notification, provided that any notification not acted upon by the Executive Ethics Commission within 30 days shall be deemed to have received approval. No person rejected by the Executive Ethics Commission shall serve as an Inspector General for a Regional Transit Board for a term of 5 years after being rejected by the Commission. For purposes of this subsection (a), any person appointed or employed by a Transit Board to receive complaints and investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of this Act shall be considered an Inspector General and shall be subject to approval of the Executive Ethics Commission.

(b) The Executive Inspector General appointed by the Governor shall have exclusive jurisdiction to investigate

complaints or allegations of violations of this Act and, in his or her discretion, may investigate other complaints or allegations. Complaints or allegations of a violation of this Act received by an Inspector General appointed or employed by a Regional Transit Board shall be immediately referred to the Executive Inspector General. The Executive Inspector General shall have authority to assume responsibility and investigate any complaint or allegation received by an Inspector General appointed or employed by a Regional Transit Board. In the event the Executive Inspector General provides written notification of intent to assume investigatory responsibility for a complaint, allegation, or ongoing investigation, the Inspector General appointed or employed by a Regional Transit Board shall cease review of the complaint, allegation, or ongoing investigation and provide all information to the Executive Inspector General. The Executive Inspector General may delegate responsibility for an investigation to the Inspector General appointed or employed by a Regional Transit Board. In the event the Executive Inspector General provides an Inspector General appointed or employed by a Regional Transit Board with written notification of intent to delegate investigatory responsibility for a complaint, allegation, or ongoing investigation, the Executive Inspector General shall provide all information to the Inspector General appointed or employed by a Regional Transit Board.

(c) An Inspector General appointed or employed by a Regional Transit Board shall provide a monthly activity report to the Executive Inspector General indicating:

- (1) the total number of complaints or allegations received since the date of the last report and a description of each complaint;
- (2) the number of investigations pending as of the reporting date and the status of each investigation;
- (3) the number of investigations concluded since the date of the last report and the result of each investigation; and
- (4) the status of any investigation delegated by the Executive Inspector General.

An Inspector General appointed or employed by a Regional Transit Board and the Executive Inspector General shall cooperate and share resources or information as necessary to implement the provisions of this Article.

(d) Reports filed under this Section are exempt from the Freedom of Information Act and shall be deemed confidential. Investigatory files and reports prepared by the Office of the Executive Inspector General and the Office of an Inspector General appointed or employed by a Regional Transit Board may be disclosed between the Offices as necessary to implement the provisions of this Article.

(Source: P.A. 96-1528, eff. 7-1-11.)

(5 ILCS 430/Art. 90 heading)

ARTICLE 90

AMENDATORY PROVISIONS

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/90-3)

Sec. 90-3. (Amendatory provisions; text omitted).
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/90-6)

Sec. 90-6. The State Employees Political Activity Act is repealed on the effective date of the State Officials and Employees Ethics Act.
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/90-7)

Sec. 90-7. (Amendatory provisions; text omitted).
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/90-10)

Sec. 90-10. (Amendatory provisions; text omitted).
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/90-11)

Sec. 90-11. (Amendatory provisions; text omitted).
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/90-12)

Sec. 90-12. (Amendatory provisions; text omitted).
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/90-15)

Sec. 90-15. (Amendatory provisions; text omitted).
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/90-20)

Sec. 90-20. (Amendatory provisions; text omitted).
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/90-25)

Sec. 90-25. (Amendatory provisions; text omitted).
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/90-30)

Sec. 90-30. (Amendatory provisions; text omitted).
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/90-35)

Sec. 90-35. (Amendatory provisions; text omitted).
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/90-37)

Sec. 90-37. (Amendatory provisions; text omitted).
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/90-40)

Sec. 90-40. (Amendatory provisions; text omitted).
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/Art. 99 heading)

ARTICLE 99

MISCELLANEOUS PROVISIONS

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/99-5)

Sec. 99-5. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/99-10) (was Sec. 995 of PA 93-617)

Sec. 99-10. Closed sessions; vote requirement. Public Act 93-617 authorizes the ethics commissions of the executive branch and legislative branch to conduct closed sessions, hearings, and meetings in certain circumstances. In order to meet the requirements of subsection (c) of Section 5 of Article IV of the Illinois Constitution, the General Assembly determines that closed sessions, hearings, and meetings of the ethics commissions, including the ethics commission for the legislative branch, are required by the public interest. Thus, Public Act 93-617 was enacted by the affirmative vote of two-thirds of the members elected to each house of the General Assembly.
(Source: P.A. 95-331, eff. 8-21-07.)

(5 ILCS 430/99-99)

Sec. 99-99. Effective date. This Act takes effect upon becoming law.
(Source: P.A. 93-615, eff. 11-19-03.)

3.13 Sexual Harassment

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964, as amended in 1991, and the Illinois Human Rights Act. According to the Illinois Human Rights Act, sexual harassment is defined as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment also includes "environmental harassment," which is defined by the Equal Employment Opportunity Commission (EEOC) as:

"Verbal or physical conduct of a sexual nature which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

Such harassment can include the actions of either co-workers or non-employees.

Sexual Harassment is also prohibited by the State of Illinois Code of Personal Conduct, which is contained within Section 3.1 B. of this Employee Handbook. The sexual harassment ethical standard within the Code of Personal Conduct states:

Sexual Harassment: A State Employee will work to ensure that his or her workplace is free from sexual harassment, which is prohibited. Sexual harassment means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Any State Employee who witnesses, is subjected to, or becomes aware of such conduct should immediately report the incident to his or her

3.13 Sexual Harassment (cont'd)

supervisor, Ethics Officer, or applicable State Agency Equal Opportunity Officer, or may make a confidential report to the Office of the Executive Inspector General or the Illinois Department of Human Rights. All complaints of sexual harassment will be investigated thoroughly, and appropriate action will be taken when warranted.

Consequences for a violation of the prohibition on sexual harassment or for intentionally making a false report can be found in the State Officials and Employees Ethics Act, 5 ILCS 430/50-5.

Retaliation: *A State Employee may not (a) intentionally interfere with a State Employee's exercise of, or retaliate against a State Employee for exercising, the right to grieve or file a complaint through established procedures, or (b) retaliate against a State Employee for filing a complaint, providing information to an investigatory official, or testifying in an official proceeding. To the extent this section conflicts with the Whistleblower Act (740 ILCS 174) or Section 15-5 of the Ethics Act, the applicable statute will control.*

An employee who believes that the employee has been sexually harassed should follow the steps identified below. The Department's Office of Affirmative Action is charged with the responsibility of assisting management staff with the investigation of sexual harassment complaints and can be contacted at the address listed below:

- Office of Affirmative Action
1911 South Indiana Avenue
Chicago, Illinois 60616
(312) 328-2495

3.13 Sexual Harassment (cont'd)

Prevention is the best method for dealing with sexual harassment. The offended employee should:

1. Inform the offending party that their actions are not welcome; otherwise, the offending party may think their actions are nothing more than harmless hazing or “office play.”
2. If after being informed, the offending party persists, then notify the offending party’s supervisor, who will contact the Office of Affirmative Action. Provide as much information as possible, including the individual’s name, work location, nature of the unwanted actions, time frames (when the offended employee first became aware of the offensive nature of the individual’s action), and any other information that may be helpful.

An employee may also report incidents of sexual harassment directly to the Office of Affirmative Action, which will be available to assist with filing a formal complaint.

Once notified of the alleged offense, the Office of Affirmative Action will assist management personnel to conduct an investigation of the alleged incident(s). If the investigation reveals sexual harassment has occurred, the offending party will be subject to progressive, corrective disciplinary measures, up to and including discharge.

An employee who has been physically harassed or threatened while on the job may also have grounds for criminal charges, such as assault and battery.

3.14 Confidentiality

- A. DCFS employees are required by various laws to safeguard client information. DCFS Rule and Procedure 431 (attachment 3.14a) details an employee's specific obligations regarding the release of confidential information.

DCFS Rule and Procedure 431 specify:

- Who has access to personal information regarding persons served by the Department, about the subjects of a child abuse or neglect report made to and investigated by the Department, and who must provide consent in order to release personal information;
- To whom the Department may disclose personal information without prior consent;
- The conditions the Department must consider before allowing or denying access to personal information;

It is incumbent upon every employee to become familiar with DCFS Rule and Procedure 431. Noncompliance with Rule and Procedure 431 may result in disciplinary action, up to and including discharge.

- B. The Department expressly prohibits the release of employee personal information of co-workers unless authorized by the Office of Employee Services. Such personal information may include, but is not limited to, social security number, home telephone number, home address.

All official requests for employee information such as verification of employment, and/or income, from sources outside of the Department must be done only in writing and must have the employee's signature authorizing the release of the requested information. Only the Department's Office of Employee Services and Payroll unit may process such requests.

Any release of personal information may result in disciplinary action up to and including discharge.

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 431
**CONFIDENTIALITY OF PERSONAL INFORMATION OF PERSONS SERVED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

Section

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| 431.140 | Applicability of This Part |

AUTHORITY: Implementing Section 35.1 of the Children and Family Services Act [20 ILCS 505/35.1], the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], Sections 11 and 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11 and 11.1], the AIDS Confidentiality Act [410 ILCS 305], and the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45]; and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5] and Section 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.1].

SOURCE: Adopted and codified at 5 Ill. Reg. 7815, effective August 3, 1981; amended at 6 Ill. Reg. 15517, effective January 1, 1983; amended at 10 Ill. Reg. 21647, effective December 31, 1986; amended at 11 Ill. Reg. 12613, effective August 1, 1987; amended at 13 Ill. Reg. 2407, effective March 1, 1989; amended at 15 Ill. Reg. 24, effective December 31, 1990; recodified at 18 Ill. Reg. 7951; amended at 19 Ill. Reg. 17082, effective December 15, 1995; amended at 23 Ill. Reg. 677, effective January 15, 1999; amended at 27 Ill. Reg. 1130, effective January 15, 2003; amended at 27 Ill. Reg., effective December 31, 2003.

Section 431.15 Purpose

The purpose of these rules is to specify:

- a) who has access to records which contain personal information about persons served by the Department or about the subjects of a child abuse or neglect report made to and investigated by the Department, and who must consent to release of personal information,

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- b) to whom the Department may disclose personal information without prior consent,
- c) under what conditions access to records will be granted or denied by the Department, and
- d) when the DCFS-Office of the Inspector General may impound the records of the Department, its foster parents or relative caregivers, service providers, or contractors.

(Source: Amended at 19 Ill. Reg. 17082, effective December 15, 1995)

Section 431.20 Definitions

"Case record or record" means the record maintained for a family service case, a child service case, or a payment/monitoring-only case, which may include the child abuse/neglect (CA/N) investigative file. The term "case record" applies to records maintained by the Department or a purchase of service agency responsible for case management regardless of whether the services were provided directly by Department staff or purchased from a private provider. The confidentiality of case record information and access to such information may differ, depending on the type of information sought.

"Case transfer" means the conveying of information from one Department region, site or field office to another; from one purchase of service agency to the Department or to another; from the Department to a purchase of service agency. A different worker is assigned when a case is transferred and those activities necessary to transfer case management responsibility for service delivery to a family and/or child from worker to worker or Department office to Department office or Department office to purchase of service agency or purchase of service agency to purchase of service agency are completed. Transfer includes physical delivery of the case record as necessary for service provision.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody or custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Court appointed special advocate" means a person appointed by a court to protect the minor's best interests and insure the proper delivery of child welfare services.

"Disclose" and "permit access to" means to release, transfer, permit examination of, or otherwise communicate information orally, in writing, by electronic means or in any other manner.

"Impound" means to seize and retain in legal custody during the pendency of an

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investigation and any disciplinary, civil or criminal actions which result from an

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investigation conducted pursuant to the authority of the DCFS-Office of the Inspector General.

"Indicated Report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Mental health information" means records, reports or other information about the provision of mental health or developmental disability services as defined in the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Minor" means any individual who has not reached his 18th birthday.

"Person served by the Department" or "Client" means any person who receives services or applies for services from the Department through its various offices. The term includes children for whom the Department is legally responsible, persons who involuntarily are investigated by the Department concerning allegations of child abuse or neglect and who may receive Department services during the course of, or subsequent to, such an investigation, persons who are receiving Department services through an order of the court, and persons who voluntarily request services from the Department.

"Personal information" means any identifying information, excluding work products, that is a part of the permanent record and that describes, locates or indexes anything about an individual including, but not limited to, education, financial transactions, medical history, criminal or employment records, registration or membership in an organization or activity, or admission to an institution. Personal information may be classified as mental health information, child abuse or neglect information, medical information, or other types of sensitive information and may be governed by different access, consent and disclosure requirements.

"Serious physical injury", for purposes of this Part, includes but is not limited to brain damage, skull fractures, subdural hematomas, internal injuries, wounds, third degree burns, multiple or spiral fractures, poisoning, or physical injury when evidence indicates the child has been tortured.

"State Central Register" means the specialized Department unit that receives and transmits reports of alleged child abuse and neglect.

"Subject of a report" means any child reported to the child abuse/neglect State Central Register and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report.

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"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

"Work product", for the purposes of this Part, means a worker's notes that are not part of the permanent record and concern interviewing technique, strategies for working with a person served by the Department and personal observations; these notes are kept for the worker's own personal use and are not disclosed to any other person except the worker's supervisor or attorney.

(Source: Amended at 27 Ill. Reg. , effective December 31, 2003)

Section 431.30 Maintenance of Records

a) The Department, through its institutions, facilities and various offices shall maintain a record on all persons receiving services from the Department, either directly or through the purchase of services, and on all persons for whom a child abuse or neglect report has been indicated, unfounded, or for whom a decision about the report has not yet been made. Upon request from the subjects of the report, the Department may keep records of unfounded reports of child abuse or neglect to prevent future harassment of the subjects. Additionally, in accordance with Section 7.17 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.17], the Department may maintain case records containing identifying information related to child abuse or neglect reports.

b) The retention schedule for indicated, unfounded, undetermined and pending child abuse and neglect records is based on the seriousness of the allegations described in 89 Ill. Adm. Code 300, Appendix B, as follows:

1) 50 Years

All reports where allegations regarding the death of the child subject (Allegation #1/51) or sexual penetration (Allegation #19) were indicated shall be retained for 50 years after the report was indicated.

2) 20 Years

A) The following allegations involving the serious physical injury, sexual molestation or sexual exploitation of the child subject shall be retained for 20 years.

| | |
|-------|--|
| #2/52 | Head Injuries |
| #4/54 | Internal Injuries |
| #5/55 | Burns/Scalding (third degree burns only) |
| #7/57 | Wounds |
| #9/59 | Bone Fractures (Multiple or Spiral Fractures Only) |
| #16 | Torture |

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| | |
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| #18 | Diseases Transmitted Sexually |
| #20 | Sexual Exploitation |
| #21 | Sexual Molestation |
| #81 | Failure to Thrive |
| #83 | Malnutrition |
| #85 | Medical Neglect of Disabled Infants |

- B) The following allegations may be retained for 20 years depending on the seriousness of the injury.

| | |
|--------|--|
| #6/56 | Poison/Noxious Substances |
| #9/59 | Bone Fractures (Other than Multiple or Spiral Fractures) |
| #11/61 | Cuts, Bruises, Welts, Abrasions and Oral Injuries |
| #12/62 | Human Bites |
| #13/63 | Sprains, Dislocations |
| #14 | Tying/Close Confinement |
| #15/65 | Substance Misuse |
| #75 | Abandonment/Desertion |
| #79 | Medical Neglect |

The following factors shall be used to determine whether to retain any of the above allegations for 20 years:

Extent of the injuries. Are the injuries limited to one spot on the child's body or are there multiple injuries on many parts of the child's body?

Long-term effects of the injuries. Will the child be left with scars, deformities or permanent disabilities?

Medical treatment required. Does the child require hospitalization, surgery, emergency medical treatment or other major medical treatment as a result of the injuries?

Pattern or chronicity of injuries. Is there an ongoing history or pattern of harsh punishment or neglect that resulted in injury? Are there severe injuries at different stages of healing?

If none of the above factors are present, the allegations shall be retained for five years.

3) 5 Years

The following indicated allegations shall be retained for five years.

| | |
|--------|-------------------------------------|
| #17/67 | Mental Injury |
| #10/60 | Substantial Risk of Physical Injury |

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| #22 | Substantial Risk of Sexual Injury |
| #74 | Inadequate Supervision |
| #76 | Inadequate Food |
| #77 | Inadequate Shelter |
| #78 | Inadequate Clothing |
| #82 | Environmental Neglect |
| #84 | Lock-Out |

4) Subsequent Indicated Reports

All subsequent indicated reports involving any of the same subjects or the sibling or offspring shall be maintained after the last report was indicated in accordance with retention periods specified in this Section.

5) Unfounded Allegations

All identifying information concerning records of unfounded reports involving the death (allegation 1/51), sexual abuse (allegations 18, 19, 20, 21) or serious physical injury (e.g. allegations 2/52, 4/54, 5/55, 7/57, 9/59) of a child shall be maintained in the State Central Register for three years after the date the final finding report is entered. All identifying information about unfounded reports made by mandated reporters involving allegations 6/56, 11/61, 12/62, 13/63, 14, 15/56, 75, and 79 shall be retained by the SCR for 12 months after the date the final finding report is entered. Additionally, those unfounded reports of physical injury made by mandated reporters not retained by the State Central Register for three years shall be retained for 12 months after the date the final finding report is entered.

All identifying information concerning unfounded reports involving allegations 17/67, 10/60, 22, 74, 76, 77, 78, 82, and 84 made by a mandated reporter shall be maintained by the SCR for 60 days after the final finding report is entered. All identifying information concerning unfounded reports not retained for three years made by non-mandated reporters shall be retained by the SCR for 30 days after the final finding report is entered. All identifying information concerning any unfounded report involving Department wards shall be retained for 60 days regardless of reporting source.

If the alleged perpetrator or caretaker requests, in writing, within ten days of the date on the SCR-generated notice, that a record of the unfounded report be retained as evidence of false reporting, the SCR computer and hard copy files and the local index shall be maintained. Written requests postmarked more than ten days after the date on the SCR notice and oral requests, that are not confirmed in writing, shall

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not be honored. The child abuse and neglect investigative file shall also be maintained. SCR will notify the local investigative unit when to destroy records of these unfounded false reports.

6) Pending and Undetermined Reports

Child abuse and neglect reports that are pending or undetermined shall remain in the SCR computer and hard copy files, the local index, and the child abuse and neglect investigative file until a decision is reached.

c) The retention schedule for indicated child abuse and neglect records involving juvenile perpetrators (persons under the age of 18 years) is as follows:

- 1) If after an investigation, reports are indicated and children between the ages of 10 and 18 are determined to be the perpetrator, reports that carry a five-year retention schedule will be expunged from the State Central Register after five years or at the perpetrator's twenty-first birthday, which ever is sooner.
- 2) In the event that the same child between the ages of 10 and 18 is determined to be an indicated perpetrator of another report that requires a five year retention schedule, the information concerning the previous report(s) and the subsequent report will be maintained at the State Central Register for a period of five years after the date of the subsequent report or at the perpetrator's twenty-first birthday, which ever is sooner.
- 3) Reports that carry a 20 or 50 year retention schedule will be expunged from the State Central Register after five years or at the perpetrator's twenty-third birthday, which ever is sooner.
- 4) In the event that same child between the ages of 10 and 18 is subsequently determined to be an indicated perpetrator of an allegation carrying a 20 or 50 year retention schedule, the information concerning the previous report(s) and the subsequent report will be maintained at the State Central Register for a period of five years after the date of the subsequent report or at the perpetrator's twenty-third birthday, which ever is sooner.

d) All retained records shall be of a confidential nature and shall not be made available to the general public except as provided for in Section 431.85.

(Source: Amended at 26 Ill. Reg., effective January 15, 2003)

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Section 431.40 Required Consents Prior to Disclosure of Personal Information

- a) Except as allowed in these rules, no personal information obtained concerning a person served by the Department or concerning the subjects of a child abuse or neglect report may be disclosed by the Department without the written consent of that individual, provided that individual has reached 18 years of age or, for mental health information and information regarding birth control services, pregnancy, treatment for sexually transmissible diseases or drug or alcohol abuse, the individual must be 12 years of age.
- b) In the event that the personal information concerns a minor, the written consent of his parent, legal custodian or guardian must be obtained unless the rules in this Part specifically allow for a minor to consent to the release of the requested information.
- c) In the event that the personal information concerns any record kept by a therapist or by an agency in the course of providing mental health or developmental disabilities services to a minor or an adult, consent for release must be obtained in conformity with Sections 804 and 805 of the Mental Health and Developmental Disabilities Confidentiality Act.

(Source: Amended at 19 Ill. Reg. 17082, effective December 15, 1995)

Section 431.50 Client Access to Records Which Contain Personal Information

- a) Except as provided in this Section, persons served by the Department who have reached 12 years of age shall have full access to all records which contain their personal information, unless access is prohibited specifically by this Part. A parent whose parental rights have not been terminated or a guardian of the person of a minor shall have full access to the personal information contained in the records of said minor, unless access is prohibited specifically or otherwise restricted by this Part.
- b) The Department shall provide access to records within ten working days after the receipt of the request, if practicable. In instances in which the material cannot be easily identified and assembled, the Department will provide the records within a reasonable time. Records shall be viewed in the Department field office, a purchase of service provider office or another location, which will not place an undue hardship on the individual. The Department may require that a representative of the Department be present when the records are viewed to interpret the contents of the records. Individuals may convey the right to view their records by a written statement to an attorney or other person.
- c) Every incidence of release of information to persons outside of the Department shall be recorded in the case record.

(Source: Amended at 19 Ill. Reg. 17082, effective December 15, 1995)

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Section 431.60 Subject Access to Records of Child Abuse and Neglect Investigations

- a) Subjects, including minor subjects, of reports of suspected abuse or neglect are allowed access to the child abuse/neglect investigative records which have been indicated or unfounded as specified in subsection (b) of this Section. However, no information will be released during the pendency of an investigation before the Department has determined whether the report is indicated or unfounded, except as allowed in Section 300.160 of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect) or for purposes of a fair hearing requested prior to the final determination of indicated or unfounded. In addition, the identity or location of persons reporting or cooperating in such investigations shall not be provided to any subject, unless a subject appeals an indicated finding and an administrative law judge determines that the lack of such information would prejudice the appellant's case or violate due process of law principles. In addition, the Department may seek a court order prohibiting the release to the subjects of a report of any information deemed likely to be harmful to them. The circumstances under which the administrative law judge will be allowed to order the disclosure to the appellant of the names of reporters or other persons cooperating in the investigation include, but are not limited to, the following:
 - 1) Testimony must have been offered by the appellant that the reporter or collateral witnesses demonstrated bias, motive, reason to fabricate or that the reporter or collateral witnesses have other information relevant to the testimony of the reporter or collateral witness.
 - 2) The appellant must provide the administrative law judge in private with the names of the persons believed to be the reporter or collateral witnesses.
 - 3) The individual presenting the Department's case at the hearing shall then disclose the identity of the persons to the administrative law judge in an in-camera setting.
 - 4) If the reporter or collateral witnesses is the same as the persons named by the appellant, then the identity will be disclosed to the appellant. Otherwise, no disclosure will be made. If the identity of the reporter is disclosed, a written notice shall be sent to the reporter advising of the disclosure of the individual's identity.
- b) Subjects of reports of suspected abuse or neglect are allowed access to the child abuse/neglect investigative records that:
 - 1) have been unfounded, provided the subject requests the report within 60 days after receipt of notification that the report was unfounded; or
 - 2) are retained as evidence of false reporting.

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- c) The guardian of the person or guardian ad litem of a child who is the subject of a report may have access to the investigative record, as limited in subsection (a) above.

(Source: Amended at 23 Ill. Reg. 677, effective January 15, 1999)

Section 431.70 Denial of Requests to Access Information

A person shall be denied access to the following material that may be considered personal information.

a) Adoption Records

- 1) The Department may deny a person personal information in situations involving adoption when the information would allow that individual to determine the identity of his parents, siblings, or other relatives; or would allow the individual the opportunity to determine the whereabouts of a child which was voluntarily or involuntarily relinquished for adoption. The Director of the Department may release this information following an evaluation if in the Director's opinion releasing the information is in the best interests of all persons involved in the adoption of the child.
- 2) Parents whose parental rights have been surrendered or legally terminated may indicate in writing whether they would allow their child to have access to their name(s) and information about them at some time in the future. This written statement shall be provided when the child is relinquished for adoption. When the parents have requested that their name(s) and information about them not be released to the child at a later date, their request shall be respected insofar as permissible by state or federal law or regulation. One significant federal law is the Indian Child Welfare Act. Under this law the parent shall be entitled to absolute anonymity in the case of voluntary relinquishment upon request.
- 3) All requests shall be included both in the parents' and child(ren)'s records.

b) Information Accepted under Promise of Confidentiality

Persons shall be denied access to information which will identify the source of any information obtained during a child abuse or neglect investigation (except as permitted in Section 431.60 above for purposes of conducting an administrative hearing), an adoptive investigation, a licensing investigation, or a study in preparation for a dispositional order under the Juvenile Court Act of 1987 if the information was given before or after the effective date of these rules under the express or implied promise that the identity of the information source would be held in confidence.

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c) Information to Locate a Child

An individual may be denied access to information, which would allow that person to determine the physical location of a child who was removed from the individual's custody in accordance with the Juvenile Court Act of 1987. This information shall be denied only if:

- 1) there is reasonable cause to believe that the child, foster parents or others caring for the child will be in danger if the child's whereabouts were known; or
- 2) the individual is likely to remove the child from the jurisdiction of the court.

d) Confidential Information About a Minor

The Department shall not release the following information without the consent of the minor:

- 1) information given to the Department by minors under the Department's assurance of confidentiality; and
- 2) information about a minor's consent to his or her own or his or her children's medical care.

(Source: Amended at 19 Ill. Reg. 17082, effective December 15, 1995)

Section 431.80 Disclosure of Records of Child Abuse and Neglect Investigations

Record information about child abuse and neglect investigations may be shared with the following individuals without the consent of the subjects of the report.

- a) Department staff in the furtherance of their responsibilities under the Abused and Neglected Child Reporting Act or for the purpose of completing background investigations on persons or agencies licensed by the Department or through whom the Department provides child welfare services, and on court appointed special advocates, or for purposes of an investigation conducted by the DCFS-Office of the Inspector General under Section 35.5 of the Children and Family Services Act. Unfounded reports may be made available to the child protective service unit only when an investigator in the unit is investigating a subsequent report of suspected abuse or neglect involving a child named in the unfounded report;
- b) Department and purchase of service provider staff assessing children and families in which abuse or neglect has occurred or providing services to these children and families;
- c) Department staff verifying whether a child care facility subject to Department licensing is owned or operated by known perpetrators of child abuse or neglect or whether members of the household of a family home in

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which a child care facility operates, or employees or volunteers who have access to children have been found to be the perpetrators of child abuse or neglect;

- d) Law enforcement officers investigating a report of suspected child abuse or neglect, known or suspected involvement with child pornography, known or suspected criminal sexual assault, known or suspected criminal sexual abuse, or any other sexual offense when children are alleged to be involved;
- e) The Department of State Police when administering the provisions of the Intergovernmental Missing Child Recovery Act of 1984 [325 ILCS 40];
- f) State's Attorneys who need access to child abuse or neglect information in the course of their assigned duties;
- g) Physicians examining a child where abuse or neglect is suspected;
- h) A court, upon its finding that access is necessary to determine an issue before the court. Unless the court determines that disclosure of the information in open court is necessary, such access is limited to an inspection by the judge in his chambers or in a courtroom free of spectators.
- i) A grand jury, which determines that access is necessary to conduct its official business;
- j) Persons who have been authorized by the Director, in writing, to review the records for audit or research purposes or to review such records in the regular course of the Department's business. Such access shall be time limited or limited to specific staff functions;
- k) Persons authorized to take temporary protective custody only if the information is needed to determine whether to take the child into temporary protective custody;
- l) A person who has legal responsibility or authorization to care for, treat, or supervise a child or a parent, guardian, or other person responsible for the welfare of a child who is the subject of a report;
- m) Federal, state, or local law enforcement officers, coroners or medical examiners, physicians, courts, school superintendents and child welfare agencies in other states who are responsible for child abuse or neglect investigations or background investigations. Such information shall be requested only for the purpose of aiding the investigation, assessment or service provision or background investigation in the requesting state;
- n) The Illinois Department of Professional Regulation, when determining whether a mandated reporter who failed to report child abuse or neglect should be subject to license suspension or revocation, or when determining whether to refuse to issue, suspend or revoke the license of the following classes of persons due to

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the person having been named a perpetrator in an indicated report of child abuse or neglect:

- 1) Physicians,
 - 2) Physician Assistants,
 - 3) Dentists,
 - 4) Registered and Practical Nurses,
 - 5) Optometrists,
 - 6) Physical Therapists,
 - 7) Podiatrists,
 - 8) Psychologists,
 - 9) Social Workers,
 - 10) Athletic Trainers,
 - 11) Acupuncturists,
 - 12) Dietitians and Nutrition Counselors,
 - 13) Hearing Care Professionals,
 - 14) Marriage and Family Therapists,
 - 15) Naprapaths (therapist of ligaments and connective tissue),
 - 16) Respiratory Therapists,
 - 17) Professional Counselors and Clinical Professional Counselors, and
 - 18) Speech - Language Pathologists and Audiologists;
- o) School superintendents and the State Board of Education when determining whether a teacher's certificate shall be suspended because the teacher has been named as a perpetrator in an indicated report of child abuse or neglect;
- p) A coroner or medical examiner who has reason to believe that a child has died as the result of abuse or neglect;
- q) The Director of a state-operated facility when an employee of that facility has been named as a perpetrator of an indicated report;
- r) Members of a multidisciplinary team in the furtherance of its responsibilities under this Act;
- s) The operator of a licensed child care facility or a facility licensed by the Department of Human Services in which children reside when a current or prospective employee of that facility has been named as a perpetrator in an indicated child abuse or neglect report;
- t) Child death review teams in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect), Section 300.165; or
- u) The general public as specified in Section 431.85 of this Part.

(Source: Amended at 23 Ill. Reg. 677, effective January 15, 1999)

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Section 431.85 Public Disclosure of Information Regarding the Abuse or Neglect of a Child

- a) *The Director or designee may disclose to the public information regarding the abuse or neglect of a child, if he or she determines that such disclosure is not contrary to the best interests of the child, the child's siblings, or other children in the household, provided one of the following factors is present:*
 - 1) *the subject of the report has been criminally charged with committing a crime related to the child abuse or neglect report; or*
 - 2) *a law enforcement agency or official, a State's Attorney, or a judge of the State court system has publicly disclosed in a report, as part of his or her official duty, information regarding the investigation of a report or the provision of services by the Department; or*
 - 3) *an adult subject of the report has knowingly and voluntarily made a public disclosure concerning a Child Abuse and Neglect Tracking System (CANTS) report; or*
 - 4) *the child named in the report has been critically injured or has died.*
- b) *The following information may be disclosed:*
 - 1) *the name of the alleged abused or neglected child;*
 - 2) *the current status of the investigation, including whether a determination of credible evidence has been made;*
 - 3) *identification of child protective or other services provided or actions taken regarding the child named in the report and the child's family as a result of the report;*
 - 4) *whether there have been past reports of child abuse or neglect involving this child or family, or both. Any such reports shall be clearly identified as being "Indicated", "Unfounded", or "Pending".*
 - 5) *whether the Department has a current or past open service case with the family, and a history of what types of services have been, or are being, provided;*
 - 6) *any extraordinary or pertinent information concerning the circumstances of the report, if the Director determines such disclosure is consistent with the public interest.*
- c) *Any disclosure of information pursuant to this Section shall not identify the name of or provide identifying information regarding the source of the report.*

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- d) *In determining whether disclosure will be contrary to the best interests of the child, the child's siblings, or other children in the household, the Director shall consider the interest in privacy of the child and the child's family and the effects that disclosure may have on efforts to reunite and provide services to the family.*
- e) *Except as it applies directly to the cause of the abuse or neglect of the child, nothing in this Section shall be deemed to authorize the release or disclosure of the substance or content of any psychological, psychiatric, therapeutic, clinical, or medical reports, evaluations, or like materials pertaining to the child or the child's family. Prior to the release or disclosure of any psychological, psychiatric, or therapeutic reports pursuant to this subsection, the Deputy Director of Clinical Services shall review such materials and make recommendations regarding its release. Any disclosure of information pursuant to this Section shall not identify the health care provider, health care facility or other maker of the report or source of any psychological, psychiatric, therapeutic, clinical, or medical reports, evaluations, or like materials.*
- f) *Regarding child abuse or neglect reports which occur at a facility licensed by the Department, only the following information may be disclosed or released:*
 - 1) *the name of the facility;*
 - 2) *the nature of the allegations of abuse or neglect;*
 - 3) *the number and ages of the child victims involved, and their relationship to the perpetrator;*
 - 4) *actions the Department has taken to ensure the safety of the children during and subsequent to the investigation;*
 - 5) *the final finding status of the investigation. [325 ILCS 5/11.1a]*

(Source: Added at 23 Ill. Reg. 677, effective January 15, 1999)

Section 431.90 Disclosure of Personal Information Without Consent

- a) **Persons Who May Receive Personal Information Without Consent**

The Department shall disclose personal information to the following persons or category of persons without the consent of the individual in accordance with the provisions of the Children and Family Services Act [20 ILCS 505], Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], the AIDS Confidentiality Act [410 ILCS 305], or the Abused and Neglected Child Reporting Act [325 ILCS 5], as applicable to the type of information being requested:

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- 1) Law Enforcement Officers
 - A) Department child welfare staff, with approval of the immediate supervisor, shall release personal information to State's Attorneys, the Attorney General, municipal and sheriff's police (in Illinois or other jurisdictions), and the Department of State Police, when releasing the information is consistent with the best interests of the child or when the information is relevant to a pending investigation.
 - B) If personal information is requested by law enforcement officers other than listed in subsection (a)(1)(A), or if the information requested is not consistent with the best interests of the child served by the Department, the information may be released only by the Director of the Department or his designee.
- 2) Persons Who Have Subpoenas or Other Court Orders
 - A) The Department shall disclose personal information when ordered to do so by a court order. The Department shall make a good faith effort to notify the person whose records are the subject of the order that the order exists and the nature of the proceedings, unless specifically ordered by the court to not contact the subjects. The Department shall notify the court or the person obtaining the court order of the confidential nature of the information and its policies regarding personal information. In addition, the Department may take any appropriate legal actions to limit or quash the court order.
 - B) In the event a subpoena has been issued by a court, the Department shall make a good faith effort to contact the subject of the order as explained in subsection (a)(2)(A). If a subpoena is issued by a Clerk of the Court without any judicial involvement, the Department shall notify the person who had the subpoena issued of its policies regarding personal information and shall make a good faith effort to promptly notify the person whose information is the subject of the subpoena. The Department shall not release the information for 14 days following the receipt of the subpoena unless the person consents to the release of the records or an earlier, reasonable return date is provided in the subpoena. After 14 days have passed from the receipt of the subpoena, the Department shall release the information if releasing it is consistent with the best interests of the child.
 - C) When a person served by the Department is engaged in litigation against the Department, the Department shall release

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personal information concerning that individual or his children that is subject to discovery under the laws of the State of Illinois.

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~~D) DCFS shall provide records to a court, other than juvenile court, party to a lawsuit or a party's attorney only after the Regional Counsel has reviewed the subpoena, request or order from the court and redacted confidential mental health, drug treatment and Human Immunodeficiency Virus (HIV)/Acquired Immunodeficiency Syndrome (AIDS) information and other records strictly protected by statute. The Department shall request that a protective order be entered if the court orders the release of confidential information.~~

3) Legislators

Only the Director of the Department shall authorize the release of the contents of case records to the Illinois legislature or its committees or commissions. Individual legislators shall not have access to case records unless they are acting under the authority given them by the law.

4) Professionals or Other Service Providers

Persons receiving services from the Department or its contractual agencies are to be informed that personal information (other than mental health information) may be shared without their consent with other service providers when it is necessary for the proper provision of services or the establishment of paternity or support for a dependent minor.

A) With the exception of mental health records, as provided for in Section 431.100, personal information may be released by Department employees acting within their official capacity to professionals who are providing services to persons served by the Department. These professionals may include psychiatrists, psychologists, physicians, social workers, homemakers, contractors with the Department, social service agencies, foster parents, child care facilities and others providing services to persons served by the Department when such information is necessary for the proper delivery of services to the persons served by the Department.

B) The Department, in releasing personal information, will limit the information released to that which is necessary to properly provide the service. The persons receiving the information shall be notified by the Department that the information is confidential and that the information is not to be further released except as is necessary for the proper delivery of service.

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- C) Release of mental health materials must be made in conformity with the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

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D) Department employees may release personal information needed to establish paternity or support for a dependent child or relative.

5) Court Appointed Special Advocates

Court appointed special advocates may attend the child's portion of administrative case reviews involving children for whom they are appointed as advocates and may review documents directly related to delivery of child welfare services that are in the best interests of the minor. However, court appointed special advocates are not allowed access to mental health or drug or alcohol assessment and treatment records, confidential medical records, or records of child abuse or neglect reports and investigations and may attend the parent's portion of the administrative case review only with the permission of the parents or their authorized representative.

6) Research Purposes

The release of personal information for research purposes to any source outside the agency shall only be allowed within the discretion of the Director of the Department or designee upon express written consent. The researcher shall ensure, in writing, the confidentiality of identifying information. The researcher shall not release any identifying information without the express written permission of the Director.

7) DCFS-Office of the Inspector General

Personal information shall be released to the DCFS-Office of the Inspector General when the records are pertinent to an investigation authorized under Section 35.5 of the Children and Family Services Act [20 ILCS 505/35.5] and involves allegations or incidents of possible misconduct, misfeasance, malfeasance, or violations of rules, procedures, or laws.

8) ~~DCFS and Purchase of Service Agency (POS) Staff~~

~~Department and POS staff shall have access to child abuse and neglect and other case record information in the furtherance of their responsibilities under the Abused and Neglected Child Reporting Act, the Child Care Act, the Children and Family Services Act, the Juvenile Court Act and any other Act that governs child welfare. Any sharing of information between divisions of the Department or between the Department and purchase of service providers, or between purchase of service providers as necessary for case management is a transfer and not a disclosure of information.~~

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9) Extended Family

An extended family member interviewed for relevant information during the course of an investigation by the Child Protective Service Unit may request and receive the following information about the findings and actions taken by the Child Protective Service Unit to ensure the safety of the child or children who were the subjects of the investigation:

- A) name of the child who was the subject of the abuse or neglect report;
- B) whether the report was indicated or unfounded;
- C) whether the Department took protective custody;
- D) whether a Department case has been opened for the family or children;
- E) what Department services are being provided the family or children; and
- F) whether a safety plan has been established.

10) State's Attorneys

State's Attorneys shall have access to child abuse or neglect and/or case record information when necessary for the discharge of their official duties during the investigation and prosecution of the abuse or neglect of a child or termination of parental rights pursuant to the Criminal Code [720 ILCS 5] or another penal statute, the Juvenile Court Act of 1987 [705 ILCS 405], the Child Care Act of 1969 [225 ILCS 5] or ANCRA [325 ILCS 5].

11) **Protection and Advocacy for Mentally Ill Persons**

Personal information, with the exception of mental health information, may be released to the agency designated by the Governor for administering the protection and advocacy system for mentally ill persons, in accordance with the provisions of the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45].

12) **Others Not Cited Above**

Personal information may be released for the purposes and to persons other than those listed in this Section upon the written authorization of the Director when such authorization is not prohibited by State or federal law or regulation or rule.

b) Law Enforcement Agencies Data System (LEADS) Information in Child Protection Records

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- 1) ~~In accordance with Section 2605-315 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-315], the Department of Children and Family Services shall have access to LEADS information and underlying *criminal history record information as defined in the Illinois Uniform Conviction Act when necessary for the Department to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969 and the Children and Family Services Act.* [20 ILCS 2605/2605-315]~~
- 2) ~~LEADS information included in the child protection investigation file may be forwarded to the child welfare worker as part of the investigative file. Child protection investigators and child welfare workers shall share underlying public documents on a "need to know" basis with other persons providing services when it is relevant to child protection or service decisions to be made on behalf of the child or family. (See Section 35.1 of the Child and Family Services Act of 1969 [20 ILCS 505/35.1].)~~

c) Responses to Requests for Information

1) Written Requests

- A) The Department shall accept written requests for the disclosure of personal information without the consent of the concerned individuals only when the requestor has provided a notary public's attestation as to his identity and has included the names of the individuals about whom the information is requested. Information shall only be released in compliance with this Part.
- B) The Department will provide a written response to each written request via certified mail deliverable only to the requestor.

2) Telephone Requests

- A) The Department shall accept telephone requests for child abuse and neglect information only when the request comes from Department staff investigating a report of child abuse or neglect, law enforcement officials investigating a report of child abuse or neglect or determining whether a child should be taken into temporary child protective custody, physicians examining a child and the information is needed to determine whether a child is abused or neglected or to determine whether a child should be taken into temporary protective custody, and out-of-state agencies involved in a child abuse or neglect report.

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- B) The Department shall accept telephone requests for other personal information without the consent of the concerned individuals only if the requesting person or agency is authorized by this Part to receive the information which they are requesting.
 - C) The Department shall not provide information to unknown requestors at the time of the initial inquiry. Instead, Department staff shall obtain the requestor's name, type of business, an official business phone number through which his identity and authority to receive the information can be verified, and the phone number at his current location. The Department shall verify the requestor's identity and authority to receive the information by checking an official telephone listing or checking with a third party at the business office.
- 3) In-Person Requests
- A) The Department shall accept in-person requests for the disclosure of personal information without the consent of the concerned individuals only when the requestors produce positive identification and proof of their legal authority to receive the requested information.
 - B) The Department will recognize only those guardians, custodians, court appointed special advocates or guardians ad litem who produce a court order appointing them to their positions. The Department will recognize only those attorneys or personal representatives who produce a written consent to release the requested information. The consent must be signed by the concerned individual and it must be notarized.

(Source: Amended at 27 Ill. Reg., effective December 31, 2003)

Section 431.100 Disclosure of Information of a Mental Health Nature

Release of and access to clinical, social work, psychological, psychiatric or other information of a mental health nature shall be governed by Section 4 of the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110/4]. Significant portions of that Act are as follows:

- a) *The following persons shall be entitled, upon request, to inspect and copy a recipient's record or any part thereof:*
 - 1) *the parent or guardian of a recipient who is under 12 years of age;*
 - 2) *the recipient if he is 12 years of age or older;*
 - 3) *the parent or guardian of a recipient who is at least 12 but under 18 years, if the recipient is informed and does not object or if the therapist does not find that there are compelling reasons for denying*

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such access. The parent or guardian who is denied access by either the recipient or the therapist may petition a court for access to the record;

- 4) *the guardian of a recipient who is 18 years or older; or*
- 5) *an attorney or guardian ad litem who represents a minor 12 years of age or older in any judicial or administrative proceeding, provided that the court or administrative hearing officer has entered an order granting the attorney this right.*

- b) Except as otherwise provided in the Mental Health and Developmental Disabilities Confidentiality (MH/DD) Act [740 ILCS 110], records and communications as defined in that Act may be disclosed only with the written consent of the persons identified in subsection (a).

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- c) Information disclosed with the written consent of those described in subsection (a) may not be redisclosed to any other person without the express written consent of those described in subsection (a). Those persons authorized to give consent may revoke their consent at any time.
- d) Where the Department has legal guardianship of a child under 12 years, the Department may deny access of the biological parents to information pertaining to the child's mental health only if two professional social workers (Master of Social Work degree) employed by the Department certify in writing that denial of such access is in the best interests of the child and/or parents.
- e) ~~Mental health information can be shared within the Department and purchase of service providers, with traditional and home of relative foster parents, and adoptive parents, when relevant to the Department's discharge of its duties under the Child and Family Services Act, Adoption Act or Abused and Neglected Child Reporting Act.~~
- f) ~~Mental health information can be shared with a juvenile court judge, guardian ad litem or State's Attorney in an abuse or neglect temporary custody hearing, adjudicatory hearing, dispositional hearing or termination of parental rights hearing when the information is relevant to the juvenile court proceeding.~~

(Source: Amended at 27 Ill. Reg., effective December 31, 2003)

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**Section 431.110 Disclosure of Information Regarding Acquired Immunodeficiency
Syndrome (AIDS)**

- a) The Department shall be informed of the results of Human Immunodeficiency Virus (HIV) tests performed on and of all diagnoses of Acquired Immunodeficiency Syndrome (AIDS), as defined in Public Health rules, 77 Ill. Adm. Code 697 (AIDS Confidentiality and Testing Code), for children for whom the Department is legally responsible.
- b) The Department shall release information on children for whom it is legally responsible regarding HIV test results and diagnoses of AIDS to the child's legal parents and to persons who have the need to know such information. The categories of persons who have a need to know this information about a child are as follows:
 - 1) those persons who supervise or provide direct care to the child such as:
 - A) foster parents,
 - B) relative caretakers,
 - C) directors or operators of child care facilities, such as group homes, child care institutions, child welfare agencies, State operated facilities, day care homes, day care centers and the personnel of such facilities:
 - i) who provide direct care for a child by feeding, diapering, or handling blood or bodily fluids; or
 - ii) who provide direct care to a child who bites, spits, has a bleeding problem such as nose bleeds or hemophilia or who cannot control normal bodily functions;
 - 2) physicians, nurses, dentists and other medical providers who will be providing direct care to the child;
 - 3) other persons who provide direct care for a child for whom the information is necessary in order to provide Department approved services for the child, i.e., advocates and counselors;
 - 4) prospective adoptive parents who have been licensed under 89 Ill. Adm. Code 402, who are willing to adopt a child with a terminal illness, and who have demonstrated an interest in a specific child who has tested positive for HIV infection or who has been diagnosed with AIDS;
 - 5) juvenile court; or

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- 6) ~~the child's school. Notification given to the child's school shall be in accordance with the Communicable Disease Prevention Act [410 ILCS 315/2a] that states that whenever a child of school age is reported by a physician to the Illinois Department of Public Health or a local health department as diagnosed with AIDS or HIV positive, that department will give prompt and confidential notice of the identity of child to the principal of the school in which the child is enrolled.~~
- c) Persons to whom the Department has released information regarding HIV test results and diagnoses of AIDS shall keep this information confidential in accordance with the provisions of the AIDS Confidentiality Act [410 ILCS 305] and the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697). Such information shall not be disclosed to other persons except as authorized by the Department in accordance with subsection (b). Such authorization shall be signed by the Department's Guardianship Administrator or designee as defined by 89 Ill. Adm. Code 327.2 and shall contain the names and respective positions of those individuals to whom the information will be disclosed. ~~Education must accompany disclosure so that those persons receiving the information understand the HIV/AIDS diagnosis, treatment and precautions. This information may be provided by the DCFS AIDS Project or a Department Regional Nurse.~~

(Source: Amended at 27 Ill. Reg., effective December 31, 2003)

**Section 431.130 Impoundment of Records by the Office of the Inspector General
(Repealed)**

(Source: Repealed at 27 Ill. Reg., effective December 31, 2003)

Section 431.140 Applicability of This Part

This Part shall apply to personal information contained in all closed, active and future records of the Department, regardless of whether they are maintained in written, microfilm, or electronic storage.

(Source: Amended at 19 Ill. Reg. 17082, effective December 15, 1995)

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Section 431.10 Purpose

These procedures provide guidelines for the application of relevant laws (i.e., Children and Family Services Act, Abused and Neglected Child Reporting Act (ANCRA), Mental Health and Developmental Disabilities Confidentiality Act, AIDS Confidentiality Act, Juvenile Court Act, Adoption Act, and Alcoholism/Drug Abuse Dependency Act) governing the maintenance, use and sharing of client information for child protection, treatment and other services provided by the Department.

Section 431.20 Definitions of Commonly Used Terms and Phrases

"Alcohol or other drug abuse facility or program" for purposes of these procedures means any organization that provides alcohol or drug abuse diagnosis, treatment, or referral for treatment that has an identified unit which provides alcohol or drug abuse diagnosis, treatment or referral for treatment or medical personnel or other staff whose primary function is the provision of alcohol or drug abuse diagnosis, treatment or referral for treatment and who are identified as such providers.

"Case record or record," means the record maintained for a family service case, a child service case, or a payment/monitoring-only case; which may include the child abuse/neglect (CA/N) investigative file. The term "case record" applies to records maintained by the Department or a purchase of service agency responsible for case management regardless of whether the services were provided directly by Department staff or purchased from a private provider. The confidentiality of case record information and access to such information may differ, depending on the type of information sought.

"Case transfer" means fiscal and planning responsibility for a case which is opened on the Child and Youth Centered Information System (CYCIS) that is changed via a **CFS 1425, Change of Status Form**, from one region, site or field office to another or from a purchase of service agency to the Department or to another purchase of service agency. A different worker is assigned when a case is transferred, and those activities necessary to transfer case management responsibility for service delivery to a family and or child from worker to worker or

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Department office to Department office or Department office to purchase of service agency or purchase of service agency to purchase of service agency are completed. Transfer includes physical delivery of the case record as necessary for service provision.

"Child abuse and neglect records" means records kept at the State Central Register, the local index and CA/N investigative records.

"CA/N investigative file" means the record of investigation of a child abuse and neglect report. The CA/N investigative file shall contain a copy of all Child Abuse and Neglect Tracking System (CANTS)/Statewide Automated Child Welfare Information System (SACWIS) forms; all correspondence related to the investigation; any photographs taken of the child or environment; police, coroner or medical reports related to the investigation; and any other report or evidence related to the investigation. Although the CA/N investigative file becomes part of the service case record when the child abuse or neglect report is indicated and services provided, the confidentiality provisions of the Abused and Neglected Child Reporting Act continue to apply to the investigation file.

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home pursuant to Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

"Clinical psychologist" means a psychologist registered with the Illinois Department of Professional Regulation who meets the following qualifications: (a) has a doctoral degree from a regionally accredited university, college, or professional school, and has two years of supervised experience in health services of which at least one year is postdoctoral and one year is in an organized health service program; or (b) has a graduate degree in psychology from a regionally accredited university or college, and has not less than six years of experience as a psychologist with at least two years of supervised experience in health services. [Mental Health and Developmental Disabilities Code 405 ILCS 5/1-103]

"Clinical social worker" means a person who (1) has a master's or doctoral degree in social work from an accredited graduate school of social work and (2) has at least 3 years of supervised post master's clinical social work practice which shall include the provision of mental health services for the evaluation, treatment and prevention of mental and emotional disorders. [Mental Health and Developmental Disabilities Code, 405 ILCS 5/1-122.1]

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"Complete application for child care facility license" means a completed written application form; written authorization by the applicant and all adult members of the applicant's household or employees to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department that the applicant and all members of the applicant's household are free from communicable diseases or physical or mental conditions that affect their ability to provide care to children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household.

"Confidential communication" or "communication" (to a mental health professional) means any communication made by a recipient or other person to a therapist or to or in the presence of the other persons during or in connection with providing mental health or developmental disability services to a recipient. Communication includes information which indicates that a person is a recipient. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/2]

"Developmental disability" means a disability which is attributable to: (a) mental retardation, cerebral palsy, epilepsy or autism; or to (b) any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by mentally retarded persons. Such disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap. [Mental Health and Developmental Disabilities Code, 405 ILCS 5/1-106]

"Developmental disability facility" means a facility or section thereof which is licensed or operated by or under contract with the State or a political subdivision thereof and which admits persons with a developmental disability for residential and habilitation services. [Mental Health and Developmental Disabilities Code, 405 ILCS 5/1-107]

"Identifying information," means any information that could reasonably be used to determine the identity of a person. Identifying information includes name, age, race, sex, residence, occupation, relationship to the inquiring party, and any other data that directly or indirectly allow recognition of a specific person.

"LEADS" means the Law Enforcement Agencies Data System that contains summaries of criminal history record information related to arrests, convictions, order of protections, detentions, indictments and other formal criminal charges or proceedings and disposition information, including sentencing and release information.

"License" means a document issued by the Department of Children and Family Services, which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

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"Licensed private hospital," means any privately owned home, hospital, or institution, or any section thereof which is licensed by the Department of Public Health and which provides treatment for persons with mental illness. [Mental Health and Developmental Disabilities Code, 405 ILCS 5/1-113]

"Licensee" means those individuals, agencies, or organizations that hold a license or permit issued by the Department of Children and Family Services.

"Licensing complaint" means:

- any oral or written report made to or by the Department or private agency licensing unit alleging a violation of licensing standards, Department rules or the Child Care Act of 1969;
- an unusual incident report involving a child or children in the temporary custody or guardianship of the Department, or a child or children for whom the Department maintains an open service case, when the incident involves an owner or employee, or the operation, of a licensed child care facility; or
- a licensing referral from the Department's State Central Register or a report of alleged child abuse or neglect that triggers a concurrent licensing complaint investigation.

"Licensing complaint investigation," means an information gathering and assessment process conducted by a licensing representative to determine whether a licensed or unlicensed child care facility is operating in compliance with the Child Care Act of 1969 and licensing standards. A licensing complaint investigation may occur concurrently with a child protection investigation when the State Central Register has taken a report involving a licensed facility (i.e., a concurrent investigation) or may be a "stand-alone" investigation (i.e., **not** a concurrent investigation).

"Licensing record" for purposes of these procedures means initial and renewal licensing information and monitoring records maintained on persons and agencies supervised by the Department and purchase of service agencies.

"Local index" means the record of pending, indicated and unfounded child abuse and neglect reports maintained by the investigative unit and of unfounded false reports retained as evidence of harassment. The local index shall contain a copy of all Child Abuse and Neglect Tracking

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System (CANTS)/Statewide Automated Child Welfare Information System (SACWIS) forms and all correspondence related to the investigation.

“Mental health or developmental disabilities services” or “services” includes but is not limited to examination, diagnosis, evaluation, treatment, training, pharmaceuticals, aftercare, habilitation or rehabilitation. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/2]

“Mental health facility” means any licensed private hospital, institution, or facility or section thereof, and any facility, or section thereof, operated by the State or a political subdivision thereof for the treatment of persons with mental illness and includes all hospitals, institutions, clinics, evaluation facilities, and mental health centers which provide treatment for such persons. [Mental Health and Developmental Disabilities Code, 405 ILCS 5/1-114]

“Mental health information” includes records or reports received from a mental health hospital or center, a psychiatrist, or a psychiatric hospital or psychiatric ward, a psychologist, a therapist (as opposed to a counselor), a developmental disabilities specialist or a Licensed Clinical Social Worker acting as a therapist.

“Mental health record” means any record or information kept by a therapist or by an agency in the course of providing mental health or developmental disabilities service to a recipient concerning the recipient and the services provided. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/2]

Note: Any record created by a therapist or a facility in reference to services provided to an individual can be considered a mental health record. The Act also includes any records maintained by the court in connection to a petition filed under Chapters I-IV of the Mental Health and Developmental Disabilities Code.

“Need to know” means the knowledge of any information necessary to assure or assess the safety of the child, family members, caregiver or service provider, or the effectiveness and appropriateness of the services provided.

“Perpetrator” means any person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect. [Abused and Neglected Child Reporting Act, 325 ILCS 5/3]

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“Persons authorized to receive LEADS information” means the child protection supervisor and investigator investigating a report of child abuse/neglect, the placing worker evaluating the appropriateness of a placement with an unlicensed relative, the child welfare supervisor and child welfare worker assigned to a child welfare case, the licensing worker and the managers in their chains of command. Other persons who provide services to any member of the family may be notified of criminal history information derived from admissions or public information, such as arrest, prison or police reports when there is a “need to know”. LEADS information is different from criminal history information, which is furnished based on consent and fingerprint or other identifying physical submission.

“Physician” means any person licensed by the State of Illinois to practice medicine in all its branches and includes any person holding a temporary license, as provided in the Medical Practice Act of 1987. Physician includes a psychiatrist as defined in Section 1-121. [Mental Health and Developmental Disabilities Code, 405 ILCS 5/1-120]

“Psychiatrist” means a physician as defined in the first sentence of Section 1-120 who has successfully completed a residency program in psychiatry accredited by either the Accreditation Council for Graduate Medical Education or the American Osteopathic Association. [Mental Health and Developmental Disabilities Code 405 ILCS 5/1-120]

“Putative father” means a man who may be a child’s father, but who (1) is not married to the child’s mother on or before the date that the child was or is to be born and (2) has not established paternity of the child in a court proceeding before the filing of a petition for the adoption of the child. The term includes a male who is less than 18 years of age. “Putative father” does not mean a man who is the child’s father as a result of criminal sexual abuse or assault as defined under Article 12 of the Criminal Code of 1961. [Adoption Act, 750 ILCS 50/1]

“Qualified examiner” means a person who is: (a) a clinical social worker as defined in this Act; (b) a registered nurse with a master’s degree in psychiatric nursing who has 3 years of clinical training and experience in the evaluation and treatment of mental illness which has been acquired subsequent to any training and experience which constituted a part of the degree program; or (c) a licensed clinical professional counselor with a master’s or doctoral degree in counseling or psychology or a similar master’s or doctorate program from a regionally accredited institution who has at least 3 years of supervised postmaster’s clinical professional counseling experience that includes the provision of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders. A social worker who is a qualified examiner shall be a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act. [Mental Health and Developmental Disabilities Code, 405 ILCS 5/1-122]

“State-operated mental health facility” means a mental health facility operated by the Department of Human Services. [Mental Health and Developmental Disabilities Code, 405 ILCS 5/1-114.1]

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“Subject of a report” means any child reported to the child abuse/neglect State Central Register, and his or her parent, personal guardian or other person responsible for the child’s welfare who is named in the report.

“Therapist” means a psychiatrist, physician, psychologist, social worker, or nurse providing mental health or developmental disabilities services or any other person not prohibited by law from providing such services or from holding himself out as a therapist if the recipient reasonably believes that such person is permitted to do so. Therapist includes any successor of the therapist. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/2]

Section 431.30 Child Abuse and Neglect Information

Child abuse and neglect records are maintained by the State Central Register (SCR), as well as in local index records, child abuse and neglect investigative files, and related family or child service records in accordance with Abused and Neglect Child Reporting Act (ANCRA).

Note: The child abuse and neglect investigative file retention schedule is located in Section 431.140.

a) Release of Information to Subject of Record

(Rules 431, Sections 431.50 and 431.60)

1) Adults (Age 18 or Over)

Adults who request access to their own records or persons having right of access to a minor’s personal information may see and have a copy of such information

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unless access is prohibited specifically by Rules and Procedures 431. Persons have the right to access only that information which pertains to them or the minors they represent. They do not have the right to access other information in the record. Such information shall be redacted prior to disclosure.

Persons served by the Department may convey the right of access to their records to an attorney, advocate, relative, or any other person they wish to authorize as their representative. In order for the client's representative to have access to the client's records, the client shall provide the Department with a signed and notarized written statement that clearly identifies the representative. A **CFS 600-3, Consent for Release of Information**, may be used for this purpose. Department staff may assist a client in the preparation of the **CFS 600-3**.

Note: When a **CFS 600-3** is used, it is not required to be notarized.

2) Minors

A minor has access to the information in the investigative file in which the minor is the victim or the perpetrator or the legal guardian or parent of the victim or perpetrator unless the case is pending or the information is deemed harmful to the minor. Further, a minor shall not receive any information that would identify or locate the reporter, collateral witnesses or any police reports, Law Enforcement Agencies Data System (LEADS) information, parents' mental health reports or Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), and AIDS Related Complex information.

3) Release of Information to Representatives of Minors

A) Minor's Parents/Legal Guardian

The minor's parents have access to the information in the investigative file that pertains to them and/or the minor unless the case is pending, or the information is deemed harmful to the subject. However, the parents shall not have access to the name or other information that would identify or locate the reporter, collateral witnesses, police reports, LEADS information, information that would reveal the minor's placement, the minor's consent for their own medical care or medical care for their minor children and information accepted under the promise of confidentiality.

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Putative fathers shall not have access to the minor's information unless they and the natural mothers have signed an acknowledgment of paternity in accordance with the rules adopted by the Illinois Department of Public Aid under the Illinois Public Aid Code and the Illinois Parentage Act of 1984.

B) Guardian of Minor's Estate

The guardian of the minor's estate shall have access to that information that is necessary to carry out their duties as guardian of the estate.

C) Minor's Counsel, Guardian of the Person, Guardian ad Litem (GAL)

The minor's counsel has access to the information in the investigative file regarding the minor unless the case is pending. A minor's counsel shall not have access to the name of the reporter or other information that would identify or locate the reporter, collateral witnesses, police reports, LEADS information, parents' mental health or physical health information or information regarding the other subjects of the report.

**b) Information that May Not Be Released to Subjects of Records or Their
Authorized Representatives In Specific Circumstances**

1) Pending Investigations

In accordance with ANCRA, information regarding a pending investigation shall not be released outside the Department except under the following circumstances:

- Pending investigative information may be released to a subject of a report with the approval of the Regional Child Protective Manager when the information is necessary to ensure the child's safety and well being.

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- Pending investigative information may be released to law enforcement when the initiation of the investigation is delegated to a law enforcement agency.
- Pending investigative information may be released to the State's Attorney and law enforcement when the Department receives reports of death, physical abuse and sexual abuse harms.
- Pending investigative information may be released to law enforcement and the alleged perpetrator's employer if the report has been determined to be a good faith report, and the alleged perpetrator of the abuse or neglect is employed or otherwise engaged in activity resulting in contact with children, and it has been determined that notification given to the supervisor or administrator of that employment would not be detrimental to the Department's investigation.

2) Police Reports

When subjects of indicated reports of child abuse or neglect appeal investigation findings, the Administrative Hearings Unit shall redact the file, removing police reports. The **Police Report Redaction Notice, CANTS/SACWIS 13**, shall be used to document this activity and be placed in the redacted file copy given to the appellant. Child Protection Units shall follow the same procedure when the subject of an indicated child abuse or neglect report requests a copy of his or her file from the local field office.

3) Identity of Reporter

Information that would identify or locate persons reporting or cooperating in child abuse or neglect investigations is confidential and shall not be released to anyone. The only exception to the release of information that would identify or locate the reporter or collateral witness is when a subject appeals an indicated finding and the Administrative Law Judge determines that the lack of such information would prejudice the appellant's case or violate due process of law principles or when a court orders the release of such information after an in-camera inspection and there has been an issuance of a protective order that such information not be released to anyone outside the litigation. The circumstances under which the Administrative Law Judge will be allowed to order the disclosure to the appellant of the names of reporters or other persons cooperating in the investigation include, but are not limited to, the following:

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- The appellant must have offered testimony that the reporter or collateral witness demonstrated bias, motive or reason to fabricate, or that the reporter or collateral witness has other information relevant to the testimony of the reporter or collateral witness.
- The appellant must provide the Administrative Law Judge in private with the names of the persons believed to be the reporter or collateral witnesses.
- The individual presenting the Department's case at the hearing shall then disclose the identity of the persons to the Administrative Law Judge in an in-camera setting.
- If the reporter or collateral witnesses are the same as the persons named by the appellant, then the identity will be disclosed to the appellant. Otherwise, no disclosure will be made. If the identity of the reporter is disclosed, a written notice shall be sent to the reporter advising of the disclosure of the individual's identity.

4) Information Deemed Harmful

The Department shall withhold the release of any information it deems harmful to the subject of the report and consult Regional Counsel regarding filing a petition seeking a court order prohibiting the release of the information to the subjects of the report. Information may be withheld for a period of ten days or until the court renders a decision. The Department must permit access to the information at the end of the ten-day period if no petition is filed.

5) Unfounded or False Reports

A subject of an unfounded report of suspected abuse or neglect shall be allowed access to a redacted copy of the investigative record, provided the subject requests the report within 60 days after receipt of notification that the report was unfounded or retained as evidence of false reporting.

A subject of an unfounded report shall not have access to the name of the reporter or other information that would identify or locate the reporter, collateral

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witnesses, police reports, LEADS information, or information regarding the other subjects of the report.

**Section 431.40 Release of Client Record Information to Persons or Entities
with Appropriate Written or Oral Request**

(Rules 431, Sections 431.80 and 431.90)

Record information about child abuse and neglect investigations, treatment and other services provided by the Department may be released to the following categories of individuals without the consent of the subjects of the report when the Department receives an appropriate written or oral request for record information as specified below.

Note: Specific or general court orders may be in effect in some court jurisdictions that supersede confidentiality requirements. Some juvenile courts may have a standing order as to information that must be included in court reports. Workers should check with their supervisors or Regional Counsel to decide the proper format.

Note: For release of mental health information contained in case files, see Section 431.80.

a) Child Advocacy Centers

Child Advocacy Centers shall have access to records when assisting children and families in which abuse or neglect is alleged to have occurred or when providing services to these children and families.

b) Child Death Review Teams

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Child death review teams shall have access to child abuse or neglect records in accordance with Rules 300, Reports of Child Abuse and Neglect, Section 300.70.

c) **DCFS and Purchase of Service Agency (POS) Staff**

Department and POS staff shall have access to child abuse and neglect and other case record information in the furtherance of their responsibilities under the ANCRA, the Child Care Act, the Children and Family Services Act, the Juvenile Court Act and any other act that governs child welfare. Any sharing of information between divisions of the Department or between the Department and purchase of service providers, or between purchase of service providers as necessary for case management is a **transfer and not a disclosure** of information.

Purposes for which Department and POS staff may obtain child abuse and neglect and/or other case record information include:

- 1) The completion of background investigations in order to verify:
 - A) whether a child care facility subject to licensure pursuant to the Child Care Act is owned or operated by known perpetrators of child abuse or neglect; or
 - B) whether members of the household of a family home in which a licensed child care facility operates are known perpetrators of child abuse or neglect; or
 - C) whether employees, contractors or volunteers of the Department, a licensed child welfare agency or child care facility that have access to children have been found to be the perpetrators of child abuse or neglect.
- 2) Investigations conducted by the Office of the Inspector General under Section 35.5 of the Children and Family Services Act or Rules 412, Licensure of Direct Child Welfare Services Employees and Supervisors.

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- 3) Monitoring or assessing children and families in which abuse or neglect has occurred or when providing monitoring services to these children and families.

Note: Unfounded reports may be made available to the child protective service unit when an investigator in the unit is investigating a subsequent report of suspected abuse or neglect involving a child or perpetrator named in the unfounded report, or to the Inspector General when access to the information is necessary to perform the duties of that office.

d) General Public or Media

(Rules 431, Section 431.85)

Any requests for information regarding the abuse or neglect of, or services to a specific child or children shall be referred to the Director's office.

Note: The Freedom of Information Act [5 ILCS 140/7] exempts client files and personal information from inspection and copying by the general public.

e) Illinois Department of Professional Regulation

The Illinois Department of Professional Regulation (DPR) shall have access to case records in the performance of their statutory duties when determining whether a mandated reporter licensed through that entity who failed to report child abuse or neglect should be subject to license suspension or revocation. The DPR may also refuse to issue, suspend or revoke the license of the following classes of persons due to professional malpractice or when the person is named as a perpetrator in an indicated report of child abuse or neglect:

- Physicians
- Physician Assistants
- Dentists
- Registered and Practical Nurses

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- Optometrists
- Physical Therapists
- Podiatrists
- Psychologists
- Social Workers
- Athletic Trainers
- Acupuncturists
- Dietitians and Nutrition Counselors
- Hearing Care Professionals
- Marriage and Family Therapists
- Naprapaths (therapists of ligaments and connective tissue)
- Respiratory Therapists
- Professional Counselors and Clinical Professional Counselors
- Speech – Language Pathologists and Audiologists

f) Courts, Parties and Attorneys

DCFS shall provide records to a court, other than juvenile court, party to a lawsuit or a party's attorney only after the Regional Counsel has reviewed the subpoena, request or order from the court and confidential information has been redacted. Mental health, drug treatment and HIV and other records strictly protected by statute will only be produced if they are being sought by one of the parties to the litigation and only after the court conducts an in-camera inspection of the documents and makes a specific finding that access to such records is necessary for the determination of an issue pending before the court or the court makes a specific finding that public disclosure of the information contained in the records is necessary for the resolution of an issue pending before the court. In all other cases, the Department shall request that a protective order be entered if the court orders the release of information contained in Department investigation or case files.

Persons served by the Department may convey their right to access records to an attorney, advocate, relative or any other person they wish to authorize in writing as their

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representative. The representative's right to access is limited to records accessible by the person being served by the Department.

Note: ANCRA and the Children and Family Services Act do not prevent the sharing or disclosure of records pertaining to minors under the care of or receiving services from the Department and under the jurisdiction of the juvenile court with the juvenile court, the State's Attorney and the minor's attorney.

g) Extended Family

Upon request, an extended family member interviewed for relevant information in the course of an investigation by the Child Protective Service Unit may receive appropriate information about the finding and actions taken by the Child Protective Service Unit to ensure the safety of the child or children who were the subjects of the investigation. [Abused and Neglected Child Reporting Act, 325 ILCS 5/11.2a]

h) Law Enforcement, Coroners and Medical Examiners

Law enforcement officers shall have access to records when investigating a report of:

- suspected child abuse or neglect; or
- known or suspected involvement with child pornography; or
- known or suspected criminal sexual assault; or
- known or suspected criminal sexual abuse or any other sexual offense when children are alleged to be involved; or
- child abduction.

Note: For mental health information contained in case files, consult Section 431.80 regarding disclosure.

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i) Law Enforcement Officers, Coroners or Medical Examiners, Physicians, Courts, and Child Welfare Agencies *in Other States*

Federal, state, or local law enforcement officers, coroners or medical examiners, physicians, courts, school superintendents and child welfare agencies in other states that are responsible for child abuse or neglect investigations or background investigations shall have access to records. Such information shall be requested only for the purpose of aiding the investigation, assessment or service provision or background investigation in the requesting state.

j) Licensed Child Care Facilities

Operators of Department licensed facilities may have access to CANTS/SACWIS information pertaining to a current or prospective employee of that facility who has been named as a perpetrator in an indicated child abuse or neglect report and information concerning the status of any child welfare employee license.

Operators of facilities licensed by the Department of Human Services in which children reside may have access to indicated child abuse and neglect investigation records pertaining to a current or prospective employee of that facility who has been named as a perpetrator in an indicated child abuse or neglect report.

k) Mandated Reporters

Mandated reporters do not have access to child abuse and neglect investigative records. A mandated reporter who has reported an alleged incident of abuse or neglect to the Department is entitled to receive notification of the investigative findings, actions taken and services provided to ensure the child's safety.

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l) Minor's Legal Counsel, Guardian of the Person, Guardian ad Litem (GAL)

The minor's attorney, guardian or GAL has access to the information in the investigative file and other records contained in the case file regarding the minor. Information from pending investigations and unfounded investigations are not generally released, although a GAL may have access to unfounded reports. The information from investigative files and other records shall be redacted prior to disclosure.

m) Missing Child Recovery Act

The Illinois State Police shall have access to records when administering the provisions of the Intergovernmental Missing Child Recovery Act of 1984 that requires the State Police to search for and track missing children who are under the custody or guardianship of the Department.

n) Multidisciplinary Review Committees

Multidisciplinary Review Committees shall have complete access to records in the Department's possession concerning unfounded investigations being reviewed by the committees [See Procedures 300, Section 300.60(n)].

o) Parties to Juvenile Court Proceedings and Their Attorneys

Parties to Juvenile Court proceedings (persons served by the Department) may convey the right of access to their records to an attorney, advocate, relative or any other person they wish to authorize as their representative [431.30(a)(1)].

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p) Persons Authorized by the Director

Persons who have been authorized by the Director, in writing, to review the records for audit or research purposes or to review such records in the regular course of the Department's business shall have access to records. Such access shall be time limited or limited to specific staff functions.

Persons seeking access to child abuse or neglect records shall prepare a letter or memo to the Director including the name of the person seeking access, the reasons for access, and the time period for which access is requested. Department staff shall also include their title and function.

q) Persons Authorized to Take Temporary Protective Custody

Persons authorized by ANCRA to take temporary protective custody shall have access to records when the information is needed to determine whether to take the child into temporary protective custody.

r) Physicians

Physicians shall have access to necessary investigative and case records when examining a child where abuse or neglect is suspected.

s) Schools

If a child abuse or neglect report is indicated, a copy of the SACWIS Investigative Summary shall be sent to the public school attended by the child who is the indicated

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victim of the report. The school shall be responsible for ensuring the confidentiality of the document in accordance with the Illinois School Student Records Act [105 ILCS 10/2]. Specific information concerning school notification is located in subsection 300.110(d) of Procedures 300.

t) School Superintendents and Illinois State Board of Education

School superintendents and the State Board of Education shall have access to records when determining whether a teacher's certificate shall be suspended because the teacher has been named as a perpetrator in an indicated report of child abuse or neglect. For further information see Section 300.70 and Appendix D of Procedures 300. The name of the school employee being investigated is entered in the Authorization for Access section of the **CFS 600-3A**.

u) School Superintendents in Other States

School superintendents in other states that are responsible for child abuse or neglect background investigations shall have access to records of persons employed or seeking employment in that school district. Such information shall be requested only for the purpose of aiding the background investigation in the requesting state.

v) State's Attorneys

State's Attorneys shall have access to child abuse or neglect and/or case record information when necessary for the discharge of their official duties during the investigation and prosecution of the abuse or neglect of a child or termination of parental rights pursuant to the Criminal Code [720 ILCS 5] or another penal statute, the Juvenile Court Act [705 ILCS 405], the Child Care Act [225 ILCS 5] or ANCRA [325 ILCS 5].

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w) State Regulated Care Facilities

Any other agency or investigative body, including the Department of Public Health and local board of health, authorized by State law to conduct an investigation into the quality of care provided to children in hospitals and other State regulated care facilities may have access to indicated child abuse and neglect investigative records involving that facility. The access to and release of information from such records shall be subject to the approval of the Director of the Department or his designee.

x) Subject's Authorized Representative (Neighbor, Family Friend, Relative, or Attorney)

The subject of record shall provide the Department with a signed, notarized statement that clearly identifies the subject's representative before the subject's record may be released to his or her authorized representative. A **CFS 600-3, Consent for Release of Information**, may be used for this purpose. The authorized representative is entitled to receive the same information that the Department is authorized to provide to the subject of the record.

Section 431.50 Redaction

Whenever a request for release of case record information is received, the request and the disposition of the request must be documented on a **CFS 600-3A, Record of Release of Information**. File a copy of the **CFS 600-3A** in the Legal Document Section of the service case record.

The Department shall provide access to records within ten working days after receipt of the request when the requested materials can be easily identified and assembled. In all other instances the Department will provide the records within a reasonable time. Records shall be prepared for viewing by Department or purchase of service agency staff by masking out or otherwise making unreadable or inaccessible specific case record information identified in these Procedures that may not be released. Records shall be viewed in the Department field office,

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purchase of service provider office or another location that will not place an undue hardship on the individual. The Department shall require that a representative of the Department or POS agency be present to interpret the contents of the records when the records are viewed.

Information contained in the investigative file that is relevant or supportive to screening a case into juvenile court must be given to the State's Attorney or Assistant State's Attorney.

The following information must be redacted from investigation files given to the defense attorney in juvenile, criminal or civil cases. The information must also be redacted when provided in response to subpoena or court order.

Note: A written consent will only affect the release of mental health and substance abuse treatment information, *but will not affect the release of reporter or other confidential information.*

a) Mental Health Information

Information that the subject is receiving therapy, therapist communications, diagnoses or medication information, psychiatric hospitalizations and documents or reports related to mental health information and treatment must be redacted.

Note: Mental health referral information does not have to be redacted.

b) Reporter Information

The reporter's name, address, telephone number or other information that would identify the reporter of the hotline report must be redacted.

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c) Source Information

The source's name or information that would identify the source for the hotline report must be redacted.

d) Other Persons With Information (OPWI)

The OPWI name or information that would identify the OPWI with information for the hotline report must be redacted.

e) Substance Abuse Treatment Information

Information that the subject is receiving substance abuse treatment, counselor communications, diagnoses or medication information, and documents or reports related to substance abuse information and treatment must be redacted.

Note: Referral information does not have to be redacted.

f) Worker Identification Number

All Department and private agency worker identification numbers must be redacted.

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g) Law Enforcement Agency Data System (LEADS) Information

Any criminal history obtained from the LEADS must be removed. Information that is obtained from the subject or other person interviewed in the course of the investigation or criminal information contained in public documents, such as police, arrest or prison reports does not have to be redacted.

h) Statewide Automated Child Welfare Information System (SACWIS)

Any abuse or neglect history obtained from the SACWIS or prior investigative reports must be redacted.

Note: The minor's counsel, Guardian of the Person or GAL shall have access to the information in the investigative file regarding the minor unless the case is pending. They may not have access to the name of the reporter, collateral witnesses, police reports, LEADS information or information regarding the other subjects of the report.

Note: Information received from the subject or other person interviewed in the course of the investigation does not have to be redacted.

i) Prior Department Involvement With the Family

Information concerning the Department's prior involvement with the family must be redacted.

j) Information Identifying Non-Involved Wards

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The names, addresses and any other identifying information of non-involved wards must be redacted unless they are siblings and removed as a result of the investigation.

k) Foster Parent Information

The names and any identifying information of foster parents must be redacted unless they are the subjects of the report and their records are being requested for criminal proceedings.

l) HIV/AIDS Information

Information that the subject has been tested for HIV/AIDS, has AIDS, or is receiving treatment for AIDS must be redacted.

m) Public Aid and Temporary Assistance to Needy Families (TANF) Information

Information that indicates that the person has applied for or is receiving Public Aid or TANF services must be redacted.

n) Social Security Numbers

Social security numbers must be redacted.

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o) Medical Information

Information concerning birth control services, pregnancy or treatment of sexually transmitted diseases must be redacted.

Section 431.60 Adoption Records, Placement Information and Information Accepted Under the Promise of Confidentiality

(Rules 431, Section 431.70)

a) Adoption Records

- 1) The Department may deny a person personal information in situations involving adoption when the information would allow that individual to determine the identity of his or her parents, siblings, or other relatives; or would allow the individual the opportunity to determine the whereabouts of a child who was voluntarily surrendered or whose parent's parental rights were terminated in juvenile court. The Director may release this information if, in the Director's opinion, releasing the information is in the best interests of the child and all persons involved in the adoption proceeding.
- 2) Parents whose parental rights have been surrendered or legally terminated may indicate in writing whether they would allow their child to have access to their name(s) and information about them at some time in the future. This written statement shall be provided when the child is relinquished for adoption. When the parents have requested that their name(s) and information about them not be released to the child at a later date, their request shall be respected insofar as permissible by state or federal law or regulation. Under the Indian Child Welfare Act the parent shall be entitled to absolute anonymity in the case of voluntary relinquishment upon request.
- 3) All requests to access adoption records shall be included in both the parents' and the child or children's records.

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b) Placement Information

An individual may be denied access to information that would allow that individual to determine the physical location of a child who was removed from the individual's custody in accordance with the Juvenile Court Act of 1987. This information shall be denied only if:

- 1) there is reasonable cause to believe that the child, foster parents or others caring for the child will be in danger if the child's whereabouts are known; or
- 2) the individual is likely to remove the child from the jurisdiction of the court; or
- 3) there is reasonable cause to believe that the parent would remove and conceal the child.

Note: In accordance with Section 301.450 of Rules 301 (Placement and Visitation Services), Subpart D, the Department or POS agency must provide written notification to the foster parent or relative caregiver when the decision has been made to disclose his or her name, address or telephone number to specific individuals. The foster parent or relative caregiver then has ten days to request a review of the decision and may seek an order of protection if he or she disagrees with the review decision.

c) Information Accepted Under the Promise of Confidentiality

The Department shall not release information provided by the minor or any other person after a guarantee from the Department or a caseworker or other Department or POS representative that the information will remain confidential. All information guaranteed to be kept confidential entered in the minor's record shall be clearly marked CONFIDENTIALITY GUARANTEED.

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Note: A worker shall not grant anyone a guarantee of confidentiality for information that is essential for case planning and service delivery.

Section 431.70 Law Enforcement Agencies Data System (LEADS) Information

LEADS access through the State Central Register (SCR) will only provide Illinois criminal history record information for adults or juveniles who were tried as adults. LEADS provides such information as name, sex, race, date of birth, Social Security Number, State Identification Number, Federal Bureau of Investigation (FBI) Number, and other information used to identify the subject of the Criminal History Transcript, and includes notations of arrests, detentions, indictments, information, or other formal criminal charges or proceedings, and disposition arising there from, sentencing, correctional supervision and release that are data-entered by local law enforcement officials.

Note: See Administrative Procedures #6 for detailed information concerning the use of LEADS information.

a) Disclosure of LEADS Information

LEADS information is confidential and provides only summary information on any criminal behavior. To clarify LEADS information and gain a fuller understanding of the facts, workers shall obtain the underlying documents referenced in the LEADS information. *Conviction and closed arrest records are public information that may be shared whenever necessary to accomplish a legitimate child protective or treatment goal. Arrest records and information that forms the basis for an arrest but never resulted in a conviction or finding shall not be shared unless it may affect the health or safety of a child, a family member, or a person providing services to the family.*

All disclosures of LEADS information to persons outside of DCFS or the private agency shall be in writing, and shall be accompanied by a **CFS 854, Disclosure of LEADS Information**. The worker shall document on the **CFS 854** to whom LEADS information will be shared and the reason for sharing LEADS information. The supervisor shall review the completed **CFS 854** for compliance with Administrative Procedure #6. If the

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supervisor agrees that information should be disclosed to the person designated on the **CFS 854**, the worker and supervisor shall sign the **CFS 854** and attach it as a cover letter to the document containing the LEADS information to be disclosed. A copy of the signed **CFS 854** shall be placed in the case record.

1) Subject of the LEADS Information

LEADS information and the underlying documents may be shared with the involved person to obtain his or her perspective on the incidents described.

A worker may need to share information from interviews or the underlying documents (i.e., police, arrest or prison reports) with court personnel or other professionals servicing the case or family members or other caretakers of the children when knowledge of criminal history information is required to protect or serve the child. The amount of criminal history information shared with family members and caretakers should be strictly limited to information necessary to accomplish the child protection or treatment purpose.

2) Family Members, Caretakers and Others

LEADS information and the underlying documents, such as police reports, court reports, and admissions from a subject, may be shared within the Department or private agency involved, with court personnel, and with members of the treatment team, but only to the extent that such information is relevant to child protection, service, or treatment decisions to be made on behalf of the children or family.

3) Response to a Subpoena

LEADS information **shall not be released** in response to a subpoena or request for information **without a court order signed by the judge**, except as permitted by Administrative Procedure #6. Workers shall release LEADS information pursuant to an impoundment of records by the Office of Inspector General.

b) LEADS Information in the Child Protection Records

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LEADS information included in the child protection investigation file may be forwarded to the child welfare worker as part of the investigative file. Child protection investigators and child welfare workers shall share underlying public documents on a “need to know” basis with other persons providing services when it is relevant to child protection or service decisions to be made on behalf of the child or family.

Section 431.80 Mental Health Information

(Rules 431, Section 431.100)

The Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110) governs access to clinical, psychological, psychiatric or other information of a mental nature to ensure that persons do not forego needed mental health or developmental disability services because of fear of stigma.

a) Records that Are Not Mental Health Records

The following documents are not considered mental health records. However, the information contained in these records may be subject to other confidentiality provisions and workers should always consult with Regional Counsel when there is a question about whether a document or information contained within a document is considered a mental health record.

- 1) Criminal Records
 - Criminal History Information
 - Probation Reports
 - Sex Offender Registry
 - Police Reports
- 2) Court Records

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- Juvenile Court Records (Child Protection and Juvenile Justice)
 - Domestic Relation Court Records
 - Adoption Court Records (Other confidentiality applies)
 - Probate Court Records (Petitions, Certifications, Court Orders, Transcripts of Hearings)
 - Mental Health Court
- 3) Hospital Records
- Social work reports that do not contain information provided by a therapist or psychological or psychiatric information.
 - Hospital records for treatment of non-mental health issues.
- 4) School Records
- Regular school records
 - Individual Education Plans (IEP) when the IEP is developed for reasons other than mental health or developmental disabilities.
 - School social work reports that do not contain psychological or psychiatric information or information obtained from a therapist.
- 5) Service Generated Records
- Bonding assessments
 - Visitation records
 - Parenting assessments when the assessment does not include psychological or psychiatric information
 - Placement stabilization
 - Case manager observations
 - Case notes that do not contain psychological or psychiatric information or information provided by a therapist
 - Homemaker reports that do not address medication monitoring

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- Protective plans
- Case plans (exclusive of therapist, psychological and psychiatric reports)
- Client expectations or contracts from group homes or independent living programs
- Unusual incident reports that are not generated due to therapy or psychiatric hospitalizations.
- Alcohol or other drug assessments or evaluations (Confidentiality of alcohol and drug abuse patient records applies.)
- Child endangerment risk assessments

b) Records that Are Mental Health Records

1) Hospital Records

- Psychiatric hospitalization records
- Records that are generated by therapists, including psychological and psychiatric reports
- Information that discloses that a person is a recipient of mental health services

2) School Records

- Psychological reports
- Social work reports that include therapy information
- Case studies
- Therapy reports and notes
- Records of treatment or diagnoses of mental health or developmental disability issues
- Individual Education Plans that specifically address mental health or developmental disability issues

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- Multidisciplinary staffing records

3) Service Generated Records

- Psychological assessments and records
- Psychiatric assessments and records
- Therapy reports and notes
- Psychotropic drug information
- Screening Assessment and Support Service (SASS) records or reports
- Sexually Abusive Children and Youth (SACY) assessments and therapy
- Case notes that contain information regarding psychological or psychiatric evaluations or information provided by therapist
- Psychiatric facility placement information
- Information that reveals that a person is a recipient of mental health services

c) Disclosure of Mental Health Records and Communications With Consent

Workers shall ask Department clients referred for mental health services to sign a **Consent for Release of Information form, CFS 600-3**, so that the Department may access the client's treatment information and appropriately share the information with purchase of service agencies or contractors. The worker shall discuss with the client the consequences that will be imposed by the Department if the client refuses to consent and shall list those consequences on the **CFS 600-3**. Workers shall not suggest or imply adverse consequences to clients beyond those that the Department can actually impose.

Anyone receiving a mental health record or information from a mental health record does not have the legal authority to redisclose the information unless the re-release of information is specifically consented to by the client or otherwise permitted by these procedures. Sharing of information between divisions of the Department or between the

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Department and purchase of service providers or between purchase of service providers as required for case management is a transfer and not a disclosure of information.

Note: Persons are entitled to review their own mental health records. Any competent adult recipient may consent to release of mental health records on the prescribed written form. Parents or guardians may consent to release information for minors under 12. For minors 12 and over, the consent of the guardian or parent and the consent of the minor are required, unless the minor's therapist has determined the release of the records is in the minor's best interests, and the minor has been notified.

Instructions for completing the **CFS 600-3** are located in Appendix C of these procedures.

d) Disclosure of Mental Health Records and Communications Without Consent

1) DCFS and Purchase of Service Providers

Mental health information can be shared between divisions of the Department and between the Department and purchase of service providers when necessary and relevant to the Department's discharge of its duties under the Children and Family Services Act or ANCRA.

If a Department or purchase of service employee is unsure of whether to share mental health information, the employee should consult the Department's Regional Counsel.

2) Caregivers

A) Adoptive Parents

The Illinois Adoption Act requires that the Department provide detailed medical and mental health histories of the child, the biological parents, and their immediate relatives to the adoptive parents and foster parents

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who are in the process of adopting a child. However, the Department shall not disclose the name or last known address of the biological parents, grandparents or any other relative of the child. [Adoption Act 750 ILCS 50/18.4(a)(i-viii) and Rules 309.105]

Any adoptee over the age of 18 may access his/her detailed medical and mental health histories and those of his/her immediate relatives, if contained in Department records. [Adoption Act 750 ILCS 50/18.4(b)]

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B) Foster Parents (Relative and Licensed)

The child's worker shall inform a caretaker of any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetration of sexual abuse, destructive behavior, and substance abuse) necessary to care for and safeguard the child. This includes information about mental health, SACY and SASS issues, but does not include release of the written reports themselves. [Children and Family Services Act 20 ILCS 505/5(u)]

C) Potential Caregivers

Potential caregivers are not entitled to access the child's written mental health records. However, caseworkers can talk about the behavior information contained in the records. The Office of the Guardian may consent to disclosure of mental health records for Department wards that are under 12 years of age.

D) Paramours, Family Members and Neighbors

There is no provision under state law that allows disclosure of mental health information to paramours, family and neighbors without the written consent of the recipient. However, caseworkers can talk about behavior information in the record and can inform caretakers or potential caretakers that there is a safety risk to the minor without disclosing the specific mental health information.

3) Courts

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A) Juvenile Court

Mental health records and communications of a parent, guardian, legal custodian or minor who is the subject of a juvenile court case shall be disclosed. A party can object and ask for an in-camera inspection of the records. All parties, Assistant State's Attorney (ASA), DCFS, GAL and probation officers may access mental health records in Department files. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/10(a)(11)]

B) Mental Health Court

Mental health records and communications of the recipient in a Probate Hearing that addresses the need for guardianship may be disclosed. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/10(a)(11)]

A therapist may disclose mental health information if he/she determines that disclosure is necessary to initiate or continue civil commitment proceedings. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/11]

C) Other Courts

The mental health records and communications of a recipient in any civil, criminal or administrative hearing may be disclosed if the recipient uses his mental condition as a claim or defense (e.g., civil suit against a therapist, criminal insanity defense). Records and communications that are the result of a court ordered exam or for transfer of adult guardianship may be disclosed. [Mental

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Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/10(a)(1)(4)]

Note: Subpoena requests for records that include mental health information, Human Immunodeficiency Virus (HIV), AIDS Related-Complex (ARC) or Acquired Immunodeficiency Syndrome (AIDS) information should be referred to the Department's Office of Legal Services.

D) Law Enforcement/Screening with Assistant State's Attorney

i) Child Abuse and Neglect Investigation Records

DCFS may disclose to the State's Attorney, without consent, personal information, which includes mental health records, when the information is relevant to a pending law enforcement investigation of known or suspected child abuse or neglect, known or suspected child pornography, known or suspected criminal sexual assault, known or suspected criminal sexual abuse or any other sexual offense when a child is alleged to be involved.

Note: DCFS may disclose to the Illinois State Police, without consent, personal information, which includes mental health records, when administering the provisions of the Intergovernmental Missing Child Recovery Act.

ii) Service Provision Records

Mental health information contained in case records may be shared with juvenile authorities, specified as court personnel, probation officers or prison review boards.

iii) Disclosure by a Therapist

Disclosure of mental health information may be made without consent by any therapist providing mental health or developmental disabilities services pursuant to the provision of the Sexually Violent Persons Commitment Act. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/9.3]

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A therapist may disclose mental health information to protect the recipient or other person against a clear, imminent risk of serious physical or mental injury or disease or death being inflicted upon the recipient or by the recipient on himself or another. A therapist may also disclose, when in his or her discretion disclosure is necessary to warn or protect a specific individual against whom a recipient has made a specific threat of violence. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/11(ii)(viii)]

E) Jails

Jails may disclose a recipient's mental health record without consent but only for the purpose of admission, treatment, planning or discharge of the identified recipient to another setting. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/9.2]

4) Reports of Abuse or Neglect Made by Therapists

Confidentiality provisions do not protect mental health records when needed to disclose suspected abuse and/or neglect reported by the therapist. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/11(i) and Abused and Neglected Child Reporting Act, 325 ILCS 5/4]

5) DCFS Office of Inspector General

A therapist can disclose mental health information without consent to the DCFS Office of Inspector General (OIG) if the records are relevant to a pending OIG investigation. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/9]

6) Other

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A) Mandated Reporters

Mandated reporters have no right of access to mental health information.

B) Disclosure to Receive Benefits

Mental health information from a client's record that is needed to apply for benefits may be disclosed with written consent of the client. If the client refuses or is unable to consent, disclosure can be made without consent. The recipient shall be informed of any disclosure made without consent. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/6]

C) Interagency Disclosures

There can be interagency disclosure of the name, social security number and information concerning services rendered, currently being rendered, or proposed to be rendered regarding a recipient of services. This disclosure may be made only between agencies or departments of the State including, but not limited to (i) the Department of Human Services, (ii) the Department of Public Aid, (iii) the Department of Public Health, (iv) the State Board of Education, and (v) the Department of Children and Family Services for the purpose of a diligent search for a missing parent if the Department of Children and Family Services has reason to believe the parent is residing in a mental health facility. DCFS can only redisclose information for purpose of service provision. [Mental Health and Developmental Disabilities Confidentiality Act 740 ILCS 110/7.1]

Other state agencies can give mental health information to DCFS that would assist in a diligent search for a parent. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/7.1]

7) Other Mental Health Professionals

- A)** Consultants In situations where knowledge of the record or communications is essential to the purpose for which disclosure is made and the therapist has informed the recipient of the services of the disclosure, a therapist may disclose mental health information without consent to the therapist's supervisor, a consulting therapist, members of a

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staff team participating in the provision of services, a record custodian and others.

Where the sharing of mental health information is necessary for the provision of services to the family and is relevant to the health and safety of the child, DCFS can disclose mental health records on DCFS wards under the age of 12 to consulting therapists. Staff should obtain a release prior to disclosing information on anyone over the age of 12.

B) Other Social Workers

See consultants and other therapists [431.80(d)(7)(A) and (C)]

C) Other Therapists

The therapist may disclose mental health information without consent to his/her supervisor or members of a staff team assisting in providing services; may disclose without consent for purposes of peer review; and may consult with an attorney hired to determine legal rights or duties in relation to the recipient and the services being provided. [Mental Health and Developmental Disabilities Confidentiality Act 740 ILCS 110/9]

D) Other Agencies

The therapist may disclose mental health information without consent to any department, agency, institution or facility that has custody of the recipient pursuant to State statute or any court order of commitment when such disclosure is necessary. The recipient must be informed. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/9]

E) Review for Licensure or Research

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When a therapist or agency that provides mental health services is being reviewed for purposes of licensure, statistical compilation, research, accreditation, evaluation, or other similar purpose, the person conducting the review may use a recipient's mental health record to the extent that it is necessary to accomplish the review. [Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/7(a)]

F) Medical Personnel

A therapist may disclose mental health information without consent when it is necessary to the provision of emergency medical care to a recipient who is unable to assert or waive his rights. [Mental Health and Developmental Disabilities Confidentiality Act 740 ILCS 110/11(iii)]

8) Protection and Advocacy for Mentally Ill Persons

The agency designated by the Governor for administering the protection and advocacy system for mentally ill persons shall have access to all records of mentally ill persons who are receiving care or treatment from a facility when a person is unable to authorize the agency access due to his or her mental or physical condition; when the person does not have a legal guardian or the State or a designee of the State is the legal guardian; and when the agency has received a complaint of abuse or neglect or there is probable cause to believe that the person has been subjected to abuse or neglect (Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45]).

9) School and Day Care Personnel

There is no provision under state law that allows disclosure of mental health information without consent to school or day care personnel. The DCFS Guardianship Administrator may consent to release of information concerning a ward under the age of 12. Consents must be obtained from the ward and the ward's therapist, in addition to the Guardianship Administrator, if the ward is over the age of 12.

Note: Caseworkers may share information about wards exhibiting sexually problematic or aggressive behavior with those persons specified in the protective plan who need to know the information in order to protect other children and provide adequate supervision (see Procedures 302.240, Reports Involving Sexually Aggressive Wards).

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e) Substance Abuse Treatment Records

Records of the identity, diagnosis, prognosis or treatment of any patient maintained in connection with the performance or any program or activity related to alcohol or other drug abuse or dependency education, early intervention, intervention, training, treatment or rehabilitation which is regulated, authorized, or directly or indirectly assisted by any state department or agency shall be confidential and only disclosed with consent. The following are exempt from federal confidentiality provisions and can be disclosed without consent (Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/30-5]):

- Information obtained by the Armed Forces
- Information given to qualified service organizations
- Communications within a program or between a program and an entity having direct administrative control over the program
- Information given to law enforcement personnel investigating a patient's commission of a crime on the program premises or against program personnel
- Reports of suspected incidents of child abuse and neglect (Confidentiality restrictions continue to apply to the records and any follow-up information for disclosure and use in civil or criminal proceedings arising from the report of suspected abuse or neglect.)

Note: Substance abuse treatment records may be released to juvenile courts with consent of the parents or a court order.

Note: The fact that a person is addicted to drugs is not a treatment record.

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f) Persons Entitled to Inspect and Copy Recipient's Mental Health Record

The following persons shall be entitled, upon request, to inspect or copy a recipient's mental health record or any part thereof: (Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/4)

- 1) the parent or guardian of a child less than 12 years old;

Note: The Department may deny biological parents access to their child's mental health records when the Department has legal guardianship of the child when the child is less than 12 years old and two Department professional social workers with a Masters in Social Work degree certify in writing that denial of such access is in the best interests of the child and/or parents.

- 2) the recipient, if he or she is 12 years of age or older;
- 3) the parent or guardian of a recipient who is 12 years of age but under 18 years of age, if the recipient is informed and does not object or if the therapist does not find that there are compelling reasons for denying the access;
- 4) the legal guardian of a person that is 18 years of age or older;
- 5) an attorney or GAL who represents a child 12 years of age or older in any judicial or administrative proceeding, provided that the court or administrative hearing officer has entered an order granting the attorney this right; or
- 6) a person who has power of attorney that authorizes the access.

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Section 431.90 Physical Health Information

The Medical Patient Rights Act establishes the right of each patient to privacy and confidentiality in health care. Physical health information may be disclosed when relevant to a child protection investigation. The Children and Family Services Act permits any individual dealing with or providing services to a minor ward to share information with another individual dealing with or providing services to the minor for the purpose of coordination efforts on behalf of the minor. **However, the Department shall not release information concerning any medical care to which the minor has the right of consent.** See Procedures 327, Section 327.5 (Medical Consents) for detailed explanation of when a minor has the right to consent to his or her own medical care.

Note: See Procedures 327, Appendix H, Human Immunodeficiency Disease – Human Immunodeficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS), for detailed information concerning identification and treatment pathways for HIV/AIDS.

a) Disclosure of Information Regarding Acquired Immunodeficiency Syndrome (AIDS)

(Rules 431, Section 431.110)

When a caretaker or other person in the home or family has Human Immunodeficiency Virus (HIV), AIDS Related-Complex (ARC) or Acquired Immunodeficiency Syndrome (AIDS), the worker must recognize it as a serious medical condition that may be relevant to service assessment or long term planning. However, the worker must confine any references regarding the presence of the condition to documents maintained in a limited and restricted section of the case record marked **CONFIDENTIAL MEDICAL INFORMATION**. The worker shall limit examination of such documents to those persons directly involved in the service assessment or planning issue.

1) Department Notification

The Department shall be informed of the results of HIV tests performed on and of all diagnoses of ARC or AIDS for children for whom the Department is legally responsible [410 ILCS 305/9, Aids Confidentiality Act].

2) Release of Information

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The Department shall release information about children for whom it is legally responsible regarding HIV test results, diagnosis of ARC or AIDS to the child's legal parents and to the following categories of persons who have the need to know. Such persons shall be advised that the information is confidential and shall not be re-disclosed.

A) Persons Who Supervise or Provide Direct Care

- foster parents
- relative caretakers
- directors or operators of child care facilities, such as group homes, child care institutions, child welfare agencies, state operated facilities, day care homes, day care centers and the personnel of such facilities who come into contact with bodily fluids through feeding, diapering, etc.
- physicians, nurses, dentists, other medical providers and consultants who are or will be providing direct care to the child
- other persons who provide direct care when the information is necessary in order to provide Department approved services for the child

B) Prospective Adoptive Parents

Prospective adoptive parents may receive the information if they have been licensed under 89 Ill. Adm. Code 402, are willing to adopt a child with a terminal illness, and have demonstrated an interest in a specific child who has tested positive for HIV infection or who has been diagnosed with ARC or AIDS. When it is in the best interest of the child, the Department will also arrange for HIV testing of children for prospective adoptive parents who want to know whether a child they are considering for adoption is HIV infected. The Department shall release the results of the testing to the prospective adoptive parents.

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Information about a child's medical diagnosis of AIDS, ARC or HIV shall be provided to foster parents or other out-of-home caretakers immediately prior to placement or as soon as the information regarding the test result or diagnosis is available.

Department staff that are aware of a child's HIV status shall limit disclosure of this information to Department staff that have a need to know such information. When placement or other services for an infected child must be obtained, the information is to be placed in an envelope marked CONFIDENTIAL and directed to the supervisor of the placement/resource unit. The supervisor is responsible for ensuring that the fewest possible number of Department personnel learn of the child's status, while ensuring that the foster parents/prospective caretakers are properly informed.

C) Juvenile Court

Such information may be shared privately in the judge's chambers with juvenile court judges or other court officials such as the State's Attorney, Guardian ad Litem and the attorney for the parents. This information may also be conveyed to the judge in a separate confidential correspondence sent directly to the judge. Written reports to the court shall not include HIV test results or diagnosis of ARC or AIDS.

3) Maintaining Written Information Regarding HIV/AIDS

Information concerning a child's HIV status shall not be entered in documents that are routinely seen by people who do not have the need to know such information. Any information about the child's diagnosis shall be maintained in a limited and restricted section of the case record marked CONFIDENTIAL MEDICAL INFORMATION.

4) The Child's School

Notification given to the child's school shall be in accordance with the Communicable Disease Prevention Act, 410 ILCS 315/2a, which states that whenever a child of school age is reported to the Illinois Department of Public

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Health or a local health department (by a physician) as diagnosed with AIDS or HIV positive, such department will give prompt and confidential notice of the identity of the child to the principal of the school in which the child is enrolled.

5) Deleting AIDS Information From Records

When the Department releases case record information to a third party who is entitled to review non-AIDS material in the record, all AIDS-related material in the record must be deleted prior to its release. This includes HIV and AIDS information contained in child abuse and neglect report records and case assessment recordings.

6) Intact Family Services

When the Department does not have legal custody of a child who has tested positive for HIV infection or has been diagnosed as having ARC or AIDS, the case manager and supervisor must determine when disclosure of this information is necessary for planning and delivery of required services and seek written consent for necessary disclosures from the child's parents. If necessary services cannot be provided to the child due to the parents' refusal to consent to disclosure, and the child is at risk of harm without those services, the case manager must seek to screen the case into court.

7) Caretakers With AIDS, HIV or ARC

A person's AIDS, HIV or ARC status should not be viewed as a barrier to parenting or foster parenting. However, licensing and case managers should be aware of the person's medical status to ensure that appropriate services are offered and that long-term planning and health issues are addressed.

8) Protection of Non-Client Partners

Case managers should counsel clients with HIV status known to be engaging in unprotected sex and may discuss their concerns with the client's physician. The physician may have greater discretion, under the law, to disclose such information.

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9) Redisclosure of Information

Any person to whom the Department has released information regarding HIV test results or diagnoses of ARC or AIDS shall keep this information confidential in accordance with provisions of the AIDS Confidentiality Act (410 ILCS 305). Such information shall not be disclosed to other persons except as authorized by the Department in accordance with these procedures. A statement prohibiting redisclosure of the HIV information shall be prominently displayed on each page of the material. Such authorization shall be in writing and signed by the Department's Guardianship Administrator or designee, and shall contain the names and positions of those individuals to whom the information may be disclosed. Form **CFS 600-3, Consent for Release of Information**, shall be used for this purpose. The Guardianship Administrator or designee may revoke their consent in writing at any time.

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Section 431.100 Licensing Information

Department staff shall have access to licensing records in the furtherance of their responsibilities under ANCRA and the Child Care Act.

a) Types of Licensing Information

Licensing information maintained on persons and agencies supervised by the Department and purchase of service agencies include:

1) Licensing File Documentation

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Licensing file documentation includes background, medical and mental health information for all individuals residing in the licensed home or facility. The following forms are used to document this information:

A) CFS 717 and CFS 718E, Authorization for Background Check

Background checks include a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, and a check of the Child Abuse and Neglect Tracking System (CANTS)/Statewide Automated Child Welfare Information System and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and a check of the Statewide Child Sex Offender Registry.

B) CFS 506, CFS 597 and 597A, Application for License

Applicants or licensees use these forms to apply for an initial license or to renew a license for a specific type of facility (e.g., day care home, foster home, etc.). The applicant or licensee is required to provide their name, address telephone number, references and other information specific to the type of license for which they are applying.

C) CFS 602 & CFS 604, Medical Report

All foster parents, employees and volunteers in Department licensed child care facilities; operators of day care/group day care homes and other adult members of their households are required to have physical examinations. The **CFS 602** (child care facility personnel) or **CFS 604** (foster parents) is used by the examining physician to document the results of the licensee or applicant's tuberculin test, findings of medical or emotional problems or conditions and recommendations.

D) CFS 515, CFS 516, CFS 518, CFS 519 and CFS 590, Compliance Monitoring Record

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The purpose of these forms is to record the initial license study, license renewal study or supervision/monitoring visit.

2) Licensing Complaint Files

Only “substantiated” licensing complaint information may be maintained as part of a licensee’s permanent record. Substantiated licensing complaint file documentation may include, but is not limited to:

- **CANTS 1, Child Abuse or Neglect Initial Report/SACWIS Intake Summary**
- **CANTS/SACWIS 21B, Notification of Initial Protective Plan**
- **CANTS/SACWIS 21A, Results of Child Abuse or Neglect Investigation**
- **CFS 596 Series, Licensing Complaint Documents**
- **CFS 597C, Monitoring Record**

Note: “Substantiated” licensing complaint information is maintained in a file separate from the licensee’s licensing record.

b) Licensing Information that May be Released to the General Public

Licensing Enforcement Action Involving Day Care Homes, Group Day Care Homes, Day Care Agencies and Day Care Centers [Child Care Act of 1969, 225 ILCS 10/9.2]

The following information may be provided to the general public upon inquiry for day care facilities closed prior to January 1, 1999:

- date the facility was initially licensed,
- expiration date of the last license,
- revocations, and

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- surrenders.

The following information may be provided to the general public upon inquiry for day care facilities whose license is in effect at the time of inquiry:

- date the facility was initially licensed,
- effective date of the current license,
- expiration date of the current license,
- license capacity,
- age range served,
- revocations and pending revocations,
- surrenders,
- administrative orders of closure,
- licensing status (i.e., pending, conditional, etc.),
- whether the facility is under a protective plan pending the outcome of a licensing investigation, and
- a list of substantiated complaints and Department staff findings of licensing violations since January 1, 1999. Information on substantiated complaints and licensing violations that occurred prior to January 1, 1999 shall not be released through the day care information line. Such information is available through a Freedom of Information Act request.

The following information is confidential and shall not be released to the general public:

- specific details on the substantiated complaints, licensing violations, revocations, protective plans, administrative orders of closure, or surrenders,
- child abuse and neglect reports,
- children's names,
- parents' names,
- employees' names and/or position,
- information on any pending licensing investigation except for the presence of a protective plan, and
- financial information.

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Section 431.110 Requests from Foreign Governments for Information About Its Nationals

Inquiries from representatives of governments concerning children of foreign nationals in the custody of the Department shall be handled in the following manner:

- Telephone requests should be forwarded to the regional Field Services Manager or purchase of service agency (POS) program director with supervisory responsibilities for the unit with casework responsibility for the concerned child or children. If the Field Services Manager or POS program director is not available, the caller shall be forwarded to the caseworker's supervisor. **Call takers shall not disclose client information, which includes the child's or children's legal status with the Department.** A "call back" should be taken only if the appropriate Field Services Manager, POS program director or DCFS/POS supervisor cannot be immediately identified.
- The Field Services Manager, POS program director or DCFS/POS supervisor shall take the name and telephone number of the consulate or embassy representative, identifying information of the concerned child or children, and nature of the request. The caller shall be informed of the Department's time frame and procedure for handling such requests, which follows.
- The Field Services Manager, POS program director or DCFS/POS supervisor shall forward the request electronically within **24 hours** of receipt of the information to the Interstate Compact Office (217/785-2461, FAX: 217/785-2459).
- The Interstate Compact Office shall process the request within **48 hours** and inform the Field Services Manager, POS program director or DCFS/POS supervisor of any information or follow-up required by the Department's regional office or purchase of service agency. The telephone number of the Interstate Compact Office may be given to the caller upon request.
- Written requests shall be forwarded immediately upon receipt to the regional Field Services Manager or POS program director and the Interstate Compact Office.

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Section 431.120 Freedom of Information Act (FOIA)

The Freedom of Information Act generally allows the public to have access to information regarding the affairs of government and the official acts and policies of public officials and public employees. The Act is intended to enable people to make informed political judgments and monitor government to ensure that it is being conducted in the public interest. Violation of individual privacy is not the intent of FOIA. Information that may not be accessed by the general public includes, but is not limited to the following:

- Information that is specifically prohibited from disclosure by federal or state law or rules (e.g., child abuse and neglect, case and licensing records).
- Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy (e.g., names, addresses and telephone numbers of Department clients and foster parents), unless the individual subjects of the information consent to the disclosure in writing.
- Information compiled by any public body for law enforcement (e.g., police reports) purposes to the extent that disclosure would interfere with pending law enforcement proceedings.
- Files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial supervisory or custodial care or services directly or indirectly from federal agencies or public bodies.
- Files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline.
- Records compiled by any public body for administrative enforcement proceedings, but only to the extent that disclosure would interfere with pending administrative enforcement proceedings conducted by any public body or would disclose the identity of a confidential source or confidential information furnished only by the confidential source.

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Section 431.130 Methods By Which Information May Be Requested

(Rules 431, Subsection 431.90.b)

a) Written Requests

Written requests for access to personal information without the subject's consent must be notarized, specifically state the names of the individuals about whom the information is requested, and clearly establish the requestor's right to such information without consent of the subject. **CFS 600-3A** shall be used to record the disposition of the request for information.

b) Telephone Requests

The Department shall not provide information to unknown requestors at the time of the initial inquiry without first verifying the requestor's identity and authority to receive such information. Verification can usually be obtained by checking an official telephone listing or checking with a third party at the business office at the requestor's reported place of employment. When in doubt of the requestor's identity or authority to receive such information, staff are to deny the telephone request and instruct the requestor to send a notarized written request.

If a child may be endangered if the request is denied, Department staff shall take the necessary actions to assure the child's safety but shall not release the requested information until the requestor is positively identified.

1) Child Abuse and Neglect Information

The Department shall accept telephone requests for child abuse and neglect information only when the request comes from:

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- Department staff investigating a report of child abuse or neglect;
- law enforcement officials investigating a report of child abuse or neglect or determining whether a child should be taken into temporary protective custody;
- physicians examining a child and the information is needed to determine whether a child is abused or neglected or to determine whether a child should be taken into temporary protective custody; and
- out-of-state agencies involved in a child abuse or neglect report.

See Section 431.80, Disclosure of Records of Child Abuse and Neglect Investigations. The **CFS 600-3A** shall be used to document the release of information or the denial of the request.

2) Other Information

The Department shall accept telephone requests for other personal information without the consent of the concerned individuals only if the requesting person or agency is authorized by these procedures to receive the information they are requesting. The **CFS 600-3A** shall be used to document the release of information or the denial of the request.

c) In-Person Requests

The Department shall accept in-person requests for the disclosure of personal information or records only when the requestor produces positive identification and proof of his or her legal authority to receive the requested information. Guardians, custodians, court-appointed special advocates or guardians ad litem must produce a court order appointing them to their positions. Attorneys or personal representatives must provide a signed, written, notarized consent for release of information from the subject/client.

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d) E-Mail Requests

Personal information of persons served by the Department shall not be transmitted using the Internet. No confidential information shall be contained in an Internet E-mail message, listed in conversation in a "chat room," or otherwise referenced in any Internet communication.

Section 431.140 Maintenance of Department Records

(Rules 431, Section 431.30)

The Department classifies records as three types for purposes of record maintenance.

a) Adoption

Adoption records are retained indefinitely. They include specific non-identifying information about the biological family, the adoptive family's case record (including the adoptive home study), and the child's case record.

b) Case

Case records are maintained in accordance with Part 436 (Records Management).

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c) Child Abuse and Neglect Records

The retention schedule for indicated, unfounded, undetermined and pending child abuse and neglect records is as follows:

1) 50 Years

All reports where allegations regarding the death of the child subject (Allegation #1/51) or sexual penetration (Allegation #19) were indicated shall be retained for fifty years after the report was indicated.

2) 20 Years

A) The following indicated reports involving the serious physical injury, sexual molestation or sexual exploitation of the child subject shall be retained for twenty years.

| | |
|-------|--|
| #2/52 | Head Injuries |
| #4/54 | Internal Injuries |
| #5/55 | Burns/Scalding (third degree burns only) |
| #7/57 | Wounds |
| #9/59 | Bone Fractures (Multiple or Spiral Fractures Only) |
| #16 | Torture |
| #18 | Diseases Transmitted Sexually |
| #20 | Sexual Exploitation |
| #21 | Sexual Molestation |
| #81 | Failure to Thrive |
| #83 | Malnutrition |
| #85 | Medical Neglect of Disabled Infants |

B) The following allegations may be retained for twenty years depending on the seriousness of the injury.

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| | |
|--------|--|
| #6/56 | Poison/Noxious Substances |
| #9/59 | Bone Fractures (Other than Multiple or Spiral Fractures) |
| #11/61 | Cuts, Bruises, Welts, Abrasions and Oral Injuries |
| #12/62 | Human Bites |
| #13/63 | Sprains, Dislocations |
| #14 | Tying/Close Confinement |
| #15/65 | Substance Misuse |
| #75 | Abandonment/Desertion |
| #79 | Medical Neglect |

The following factors shall be used to determine whether to retain any of the above allegations for twenty years:

- Extent of the injuries. Are the injuries limited to one spot on the child's body or are there multiple injuries on many parts of the child's body?
- Long-term effects of the injuries. Will the child be left with scars, deformities or permanent disabilities?
- Medical treatment required. Does the child require hospitalization, surgery, emergency medical treatment or other major medical treatment as a result of the injuries?
- Pattern or chronicity of injuries. Is there an ongoing history or pattern of harsh punishment or neglect that resulted in injury? Are there severe injuries at different stages of healing?

If none of the above factors are present, the allegations shall be retained for five years.

3) 5 Years

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The following indicated allegations shall be retained for five years.

| | |
|--------|-------------------------------------|
| #17/67 | Mental Injury |
| #10/60 | Substantial Risk of Physical Injury |
| #22 | Substantial Risk of Sexual Injury |
| #74 | Inadequate Supervision |
| #76 | Inadequate Food |
| #77 | Inadequate Shelter |
| #78 | Inadequate Clothing |
| #82 | Environmental Neglect |
| #84 | Lock-Out |

4) Subsequent Indicated Reports

All subsequent indicated reports involving any of the same subjects or the sibling or offspring shall be maintained after the last report was indicated in accordance with retention periods specified in this Section.

5) Unfounded Allegations

All identifying information concerning records of unfounded reports involving the death (allegation 1/51), sexual abuse (allegations 18, 19, 20, 21) or serious physical injury (e.g. allegations 2/52, 4/54, 5/55, 7/57, 9/59) of a child shall be maintained in the State Central Register for three years from the date the final finding report is entered. All identifying information about unfounded reports made by mandated reporters involving allegations 6/56, 11/61, 12/62, 13/63, 14, 15/56, 75, and 79 shall be retained by the SCR for 12 months from the date the final finding report is entered. Additionally, those unfounded reports of physical injury made by mandated reporters not retained by the State Central Register for three years shall be retained for 12 months from the date the final finding report is entered.

All identifying information concerning unfounded reports involving allegations 17/67, 10/60, 22, 74, 76, 77, 78, 82, and 84 made by a mandated reporter shall

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be maintained by the SCR for 60 days after the final finding report is entered. All identifying information concerning unfounded reports not retained for three years made by non-mandated reporters shall be retained by the SCR for 30 days after the final finding report is entered. All identifying information concerning any unfounded report involving Department wards shall be retained for 60 days regardless of reporting source.

If the alleged perpetrator or caretaker requests in writing within ten days of the date on the SCR-generated notice, that a record of the unfounded report be retained as evidence of false reporting, the SCR computer and hard copy files and the local index shall be maintained. Written requests postmarked more than ten days after the date on the SCR notice and oral requests, which are not confirmed in writing, shall not be honored. The child abuse and neglect investigative file shall also be maintained. SCR will notify the local investigative unit when to destroy records of these unfounded false reports.

6) Pending and Undetermined Reports

Child abuse and neglect reports that are pending or undetermined shall remain in the SCR computer and hard copy files, the local index, and the child abuse and neglect investigative file until a decision is reached.

Section 431.150 Applicability

These Procedures shall apply to personal information contained in all closed, active and future records of the Department, regardless of whether they are maintained in written, microfilm, or electronic storage.

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Appendix A Employee Handling of Summons and Subpoena

I. Introduction

There are two kinds of legal documents which may be served upon DCFS personnel during the course of the performance of their duties. The first document, called a summons, is a writ notifying the named person that a complaint has been filed against him in court, and that he/she, as defendant, must appear on the day specified and answer the complaint. The second document, called a subpoena, is a writ ordering the named person either to appear before the court to give testimony, or to produce specified documents or records in the person's control or possession. More precisely, an order requiring a person to appear as a witness is called a "subpoena ad testificandum," while an order to produce relevant documents is called a "subpoena duces tecum." For our purposes, the term subpoena will embrace both kinds of subpoenas.

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A subpoena also may be used to compel a person to be deposed, e.g., to give testimony prior to trial. A deposition is simply a discovery (of information) device in which the sworn, oral testimony of a witness in response to questions is reduced to writing. The purpose of a deposition is to "discover" important facts and to record witness' testimony for later use at trial.

II. Sanctions

Just as there are differences between a subpoena and a summons, there are corresponding differences in the sanctions which a court may impose for failure to respond.

Summons - A served defendant's failure to appear in response to a summons results in the court's entry of a default judgment. This means that the defendant automatically loses the case and forfeits his rights to a hearing on the merits unless he/she moves quickly to vacate the default judgment. Because of the consequences of a delayed summons, every summons naming the Department, a DCFS officer, or an employee as defendant must be forwarded immediately to DCFS Legal Staff. Failure to timely notify Legal Staff may irreparably impair the employee's legal defense and jeopardize his or her right to statutory indemnification.

Subpoena - A person who fails to respond to a subpoena may be cited for contempt of court, incur a civil fine and, in extremely serious situations, be imprisoned.

III. Service of Process

"Service of process" is the method by which a summons or subpoena is given or delivered to a person. In most cases the named person is served personally or through a representative authorized to accept service. However, where personal service is not feasible, service by mail or by publication in a local newspaper, may be permitted.

Summons and petitions related to the adoption proceedings of any child under the guardianship of the Guardianship Administrator, regardless of whether the Guardianship

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Administrator has the power to consent to the adoption of the child, shall be served on the Adoption Coordinator of the Region serving the child. When the Regional Adoption Coordinator cannot be served, the summons shall be served on the Regional Administrator or designee.

Receipt of service of process should not cause DCFS personnel undue concern or worry. The greatest potential for harm and damage lies in delaying acknowledgment of receipt.

Although a person must obey a subpoena or risk being held in contempt, he may question the subpoena's propriety, necessity or relevance by filing with the court a Motion to Quash or modify prior to testifying or producing records.

IV. DCFS Quashing of Subpoenas

Quashing a subpoena means that a court, upon good cause shown by the subpoenaed party, may refuse to enforce a subpoena. More precisely, for good cause shown, the court on motion may quash or modify any subpoena or in the case of a "subpoena duces tecum," (i.e., an order to produce documents or records) may condition the enforcement of the subpoena upon reimbursement of reasonable expenses incurred in the production of the specified items, Ill. Rev. Stats., Ch. 110, Sect. 62, (1985).

Grounds for Quashing

The grounds which support a motion to quash and/or modify may be divided into three main categories:

- A. Confidentiality: in order to preserve the best interests of the child, family or involved third parties;
- B. Relevance: of subpoenaed information in relation to the pending action; and
- C. Impaired Ability to Serve:

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The Department's interest in being protected from unnecessary, repetitious, and unduly burdensome subpoenas which may impair the ability of DCFS to serve its clients.

Because of the sheer volume of subpoenas received, Regional Offices shall pre-screen all subpoenas received by regional DCFS personnel and cooperate with Legal Staff in determining which subpoenas warrant full compliance and which justify the filing of a motion to quash or modify.

V. Guidelines for Quashing

Whenever a subpoena is received requesting information which is explicitly deemed confidential by statute or DCFS Rules, and reasonable effort does not result in obtaining the consent of the subject of the information, the Department will move to quash.

When the person requesting or subpoenaing information is permitted access in accordance with Part 431 rules and procedures, the Department shall disclose the information without incident. There are however occasions when DCFS should not disclose confidential casework information on grounds other than confidentiality

If a subpoena requests information totally irrelevant to the issue at hand, the Department should move to quash. In cases where relevancy is at issue, the court may demand an in camera (its own private) inspection of the information to determine whether it is relevant.

There are strong reasons why certain subpoenas should be resisted. It becomes extremely difficult for the Department to function efficiently if staff time is excessively consumed in testifying at various and sundry legal proceedings. Thus, if a DCFS employee is subpoenaed to testify, the Department should carefully weigh the benefits of the testimony against the working time lost by the employee and the subpoenaing party's ability to secure the information or testimony more easily elsewhere. If after careful review of the facts the Department concludes that full compliance would be unduly burdensome to Departmental operations in view of the utility of the information in a judicial proceeding, the Department should file a motion to quash or limit the subpoena.

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The Department has a duty to maintain promised confidentiality to persons who aid in implementation of Department programs. Thus, the identity of child abuse reporters, those who report unlicensed child care facilities, or persons who voluntarily supply any information to the Department and wish to remain anonymous should be protected insofar as possible. In situations where the release of information would disclose the identity of these persons, DCFS should move to quash or to expunge the identifying information.

VI. Confidentiality

In general, one may safely assume that all information concerning children in DCFS supervised facilities, wards of DCFS, children and adults receiving Department services, and all reports, concerning abused and neglected children are confidential. The protections of confidentiality are not, however, absolute. Under those narrowly defined circumstances in rule and procedure 431, otherwise confidential information may be disclosed.

DCFS Rule 431, Section 431.6(a)(2) is especially relevant since it directly addresses the issue of release of confidential information pursuant to a subpoena. This Subsection provides that if a subpoena has been issued directly by a court, the Department shall disclose the information. However, the Department will simultaneously undertake a good faith effort to notify the person whose records are being subpoenaed and inform him of the nature of the proceeding. Additionally, DCFS is obligated to inform the court or the person subpoenaing the information of the confidential nature of same and of the Department's policy regarding confidentiality. The Department, of course, always reserves the right to attempt to quash the subpoena for appropriate reasons.

On the other hand, if a subpoena is issued by the Clerk of Court without judicial involvement, DCFS should notify the person subpoenaing the information of Department policy re confidentiality and also promptly notify the person whose information is being sought by subpoena. In any event, DCFS will not release the information for 14 days following receipt of the subpoena unless the person consents to the release of records or an earlier return date is specified in the subpoena.

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**431.APPENDIX B - REFERENCE GUIDE TO SHARING CONFIDENTIAL
INFORMATION**

I. CHILD ABUSE AND NEGLECT INFORMATION

The designation “granted” means that there are no restrictions on the sharing of SACWIS/CANTS information with requesting persons or entities. “Limited” means that only specific information may be shared with requesting persons or entities or that specific requirements must be met before the information is released. “Denied” means that no information may be shared with requesting persons or entities.

Note: The abridged information contained in this appendix is to be used in conjunction with the detailed information contained in the referenced sections of Procedures 431 when determining whether confidential client information may be released to a specific entity. Always consult the Office of Legal Services when in doubt about the appropriateness of the information request.

| | <i>Status of Investigative File</i> | | | <i>SACWIS/CANTS HISTORY</i> | <i>Reference</i> |
|--|-------------------------------------|------------------|------------------|---------------------------------|-------------------------------|
| | <i>Pending</i> | <i>Indicated</i> | <i>Unfounded</i> | | |
| <i>Adult Subject of Record</i> | Denied | Limited | Limited | Granted | 431.30(a)(1) |
| <i>Minor Subject of Record</i> | Denied | Limited | Limited | Granted | 431.30(a)(2) |
| <i>Minor's Parents/Legal Guardian</i> | Denied | Limited | Limited | Granted | 431.30(a)(3)(A) |
| <i>Guardian of Minor's Estate</i> | Denied | Limited | Limited | Granted | 431.30(a)((3)(B) |
| <i>Authorized Representative</i> | Denied | Limited | Limited | Granted | 431.30(a)(1) and 431.40(x) |

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| | | | | | |
|--|---------|---------|---------|---------|-----------|
| <i>Child Advocacy Centers</i> | Granted | Granted | Granted | Granted | 431.40(a) |
| <i>Child Death Review Teams</i> | Granted | Granted | Granted | Granted | 431.40(b) |
| <i>Courts, Parties and Attorneys</i> | Limited | Limited | Limited | Granted | 431.40(f) |
| <i>Day Cares</i> | Denied | Limited | Denied | Limited | 431.40(i) |
| <i>DCFS and POS Staff</i> | Granted | Granted | Granted | Granted | 431.40(c) |
| <i>Extended Family</i> | Denied | Limited | Limited | Denied | 431.40(g) |
| <i>General Public and Media</i> | Denied | Denied | Denied | Denied | 431.40(c) |
| <i>Illinois Law Enforcement, Coroners and Medical Examiners</i> | Granted | Granted | Granted | Granted | 431.40(h) |
| <i>Law Enforcement, Coroners and Medical Examiners Child Welfare Agencies in Other States</i> | Granted | Granted | Granted | Granted | 431.40(i) |
| <i>Licensed Child Care Facilities</i> | Denied | Limited | Denied | Limited | 431.40(j) |
| <i>Mandated Reporters</i> | Denied | Limited | Denied | Denied | 431.40(k) |
| <i>Minor's Counsel, Guardian of the Person, Guardian ad Litem</i> | Denied | Limited | Limited | Granted | 431.40(l) |
| <i>Multidisciplinary Teams</i> | Granted | Granted | Granted | Granted | 431.40(n) |
| <i>Parties to Juvenile Court</i> | Denied | Limited | Denied | Granted | 431.40(o) |

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***Proceedings
and Their
Attorneys***

| | | | | | |
|--|---------|---------|---------|---------|-----------|
| <i>Persons Authorized by the Director</i> | Granted | Granted | Granted | Granted | 431.40(p) |
|--|---------|---------|---------|---------|-----------|

| | | | | | |
|---|---------|---------|---------|---------|-----------|
| <i>Persons Authorized to Take Protective Custody</i> | Granted | Granted | Granted | Granted | 431.40(q) |
|---|---------|---------|---------|---------|-----------|

| | | | | | |
|--------------------------|--------|---------|--------|---------|-----------|
| <i>Physicians</i> | Denied | Limited | Denied | Granted | 431.40(r) |
|--------------------------|--------|---------|--------|---------|-----------|

| | | | | | |
|--|--------|---------|--------|---------|-----------------|
| <i>School Superintendents , Illinois State Board of Education</i> | Denied | Limited | Denied | Granted | 431.40(s)(t)(u) |
|--|--------|---------|--------|---------|-----------------|

| | | | | | |
|-------------------------------------|---------|---------|---------|---------|-----------|
| <i>State's Attorneys</i> | Limited | Limited | Limited | Limited | 431.40(v) |
|-------------------------------------|---------|---------|---------|---------|-----------|

| | | | | | |
|---|--------|---------|--------|---------|-----------|
| <i>State Regulated Care Facilities</i> | Denied | Limited | Denied | Limited | 431.40(w) |
|---|--------|---------|--------|---------|-----------|

II. LAW ENFORCEMENT AGENCY DATA SYSTEM (LEADS) INFORMATION

The designation "granted" means that there are no restrictions on the release of LEADS or underlying document information with requesting persons or entities. "Limited" means that only specific information may be shared with requesting persons or entities or that specific requirements must be met before the information is released. "Denied" means that no information may be shared with requesting persons or entities.

Note: The abridged information contained in this appendix is to be used in conjunction with the detailed information contained in the referenced sections of Procedures 431 when determining whether confidential client information may be

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released to a specific entity. Always consult the Office of Legal Services when in doubt about the appropriateness of the information request.

| | LEADS | Underlying Documents | Comments | Reference |
|--|--------------|-----------------------------|--|------------------------------|
| <i>Subject of Record</i> | Granted | Granted | May be shared with the subject for the purpose of obtaining the subject's perspective of the incident. | 431.70(a)(1) |
| <i>Family Member, Caretakers</i> | Limited | Limited | Information is strictly limited to that which is necessary to accomplish child protection or treatment purposes | 431.70(a)(2) AP# 6,6.9(b) |
| <i>DCFS and POS Staff, Court Personnel, Members of Treatment Team</i> | Limited | Limited | Information is strictly limited to that which is necessary to accomplish child protection or treatment purposes. | 431.70(a)(b) |

III. **Mental Health Information**

Note: The abridged information contained in this appendix is to be used in conjunction with the detailed information contained in the referenced sections of Procedures 431 when determining whether confidential client information may be released to a specific entity. Always consult the Office of Legal Services when in doubt about the appropriateness of the information request.

Persons Entitled to Inspect and Copy Recipient's Mental Health Record

| Age of Recipient of Mental Health | Comments | Reference |
|--|-----------------|------------------|
|--|-----------------|------------------|

Procedures 431

(70)

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| | Services | | |
|---------------------------|---------------------|---|--------------|
| Parent or Guardian | Less than 12 | If the Department has guardianship of the child, the Department must have determined that releasing the information is in the best interest of the child and parents. | 431.80(f)(1) |
| Parent or Guardian | 12 but less than 18 | Information may only be released if the recipient and the therapist have been informed and do not object because of compelling reasons. | 431.80(f)(3) |
| Guardian | 18 or older | None | 431.80(f)(4) |
| Attorney, Guardian | 12 or older | The court or administrative hearing officer must have entered an order granting the attorney or GAL access to this information. | 431.80(f)(5) |
| Other Persons | Age Not Defined | A power of attorney authorizing access is required. | 431.80(f)(6) |

Disclosure of Mental Health Records and Communications Without Consent

| | Comments | Reference |
|---|---|------------------|
| Adoptive Parents | The Department may provide detailed medical and mental health histories of the child, biological parents and immediate relatives. | 431.80(d)(2)(A) |
| Disclosure to Receive Benefits | A recipient's mental health records may be disclosed without consent for purposes of applying for benefits | 431.80(d)(6)(B) |
| Interagency Disclosures | See referenced Procedures 431 subsection. | 431.80(d)(6)(C) |
| Jails | Information may only be shared for purposes of admission, treatment, planning or discharge | 431.80(d)(3)(E) |
| Juvenile Court | See referenced Procedures 431 subsection. | 431.80(d)(3) |
| Law Enforcement/Screening with ASA | See procedures subsections 431.80(d)(3)D(i),(ii) and (iii). | 431.80(d)(3) |
| Other Courts | Information may be disclosed when the | 431.80(d)(3)(C) |

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| | | |
|--|--|-----------------|
| | recipient uses his or her mental health condition s a claim or defense. | |
| <i>Reports of Abuse or Neglect Made By Therapists</i> | Therapist are mandated reporters and must disclose when they believe a child is being abused or neglected. | 431.80(d)(4) |
| <i>Other Mental Health Professionals (i.e. Consultants, Social Workers, Therapists, etc.)</i> | See Procedures 431 subsections 431.80(d)(7)(A)-(F) | |
| <i>Potential Caregivers</i> | Potential caregivers have no entitlement to the actual record, but the caseworker can talk about behavior information. | 431.80(d)(2)(C) |
| <i>Relative and Licensed Foster Parents</i> | Only that information which is necessary for the care of the child. | 431.80(d)(2)(B) |

Persons and Entities Not Entitled to Access Mental Health Information

| | Comments | R |
|--|---|----|
| <i>Paramours, Friends and Neighbors</i> | See referenced Procedures 431 subsection. | 43 |
| <i>School and Day Care Personnel</i> | See referenced Procedures 431 subsection. | 43 |
| <i>Mandated Reporters</i> | See referenced Procedures 431 subsection. | 43 |

IV. Licensing Information

The designation "granted" means that there are no restrictions on the release of file documentation to persons or entities requesting information. "Limited" means that only specific information may be released or that specific requirements must be met

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before the information is released. "Denied" means that no information may be shared with requesting persons or entities.

Note: The abridged information contained in this appendix is to be used in conjunction with the detailed information contained in the referenced sections of Procedures 431 when determining whether confidential client information may be released to a specific entity. Always consult the Office of Legal Services when in doubt about the appropriateness of the information request.

Licensing File Documentation

| | CFS 717 CFS 718E | CFS 506 CFS 597 CFS 597A | CFS 602 | Character References | CFS 516 CFS 519 CFS 590 | Subsection Reference |
|-------------------------------|---------------------------------|---|----------------|---------------------------------|--|---------------------------------|
| DCFS Staff | | | | | | |
| Licensing | Granted | Granted | Granted | Granted | Granted | 431.100(a)(1) |
| Investigative | Granted | Granted | Granted | Granted | Granted | 431.100(a)(1) |
| Follow-up | Granted | Granted | Granted | Granted | Granted | 431.100(a)(1) |
| Supervising Agency | Granted | Granted | Granted | Granted | Granted | 431.100(a)(1) |
| Law Enforcement | Granted | Granted | Granted | Denied | Granted | 431.100(a)(1) |
| Courts | Granted | Granted | Granted | Denied | Granted | 431.100(a)(1) |
| Grand Juries | Granted | Granted | Granted | Denied | Granted | 431.100(a)(1) |
| Coroners | Granted | Granted | Granted | Denied | Granted | 431.100(a)(1) |

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| | | | | | | |
|---|---------|---------|---------|---------|---------|---------------|
| <i>Physicians</i> | Denied | Denied | Denied | Denied | Denied | 431.100(a)(1) |
| <i>Schools</i> | Denied | Denied | Denied | Denied | Denied | 431.100(a)(1) |
| <i>Other States</i> | Denied | Denied | Denied | Denied | Denied | 431.100(a)(1) |
| <i>Multidisciplinary Review Committees</i> | Granted | Granted | Granted | Granted | Granted | 431.100(a)(1) |
| <i>Child Death Review Teams</i> | Granted | Granted | Granted | Granted | Granted | 431.100(a)(1) |
| <i>Persons Authorized by the Director</i> | Granted | Granted | Granted | Granted | Granted | 431.100(a)(1) |
| <i>DCFS Inspector General</i> | Granted | Granted | Granted | Granted | Granted | 431.100(a)(1) |
| <i>General Public</i> | Limited | Denied | Denied | Denied | Denied | 431.100(a)(1) |
| <i>Licensee</i> | Granted | Granted | Granted | Denied | Granted | 431.100(a)(1) |
| <i>Licensee's Attorney</i> | Granted | Granted | Granted | Granted | Granted | 431.100(a)(1) |

Substantiated Licensing Complaint Investigation File Documentation

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| | CANTS 1 | CANTS 2B | CANTS 21 CANTS 21A | CANTS 596 | CFS597C | Reference |
|-------------------------------------|--------------------|---------------------|--|----------------------|----------------|------------------|
| DCFS Staff | | | | | | |
| Licensing | Granted | Granted | Granted | Granted | Granted | 431.100(a)(2) |
| Investigative | Granted | Granted | Granted | Granted | Granted | 431.100(a)(2) |
| Follow-up | Granted | Granted | Granted | Granted | Granted | 431.100(a)(2) |
| Supervising Agency | Granted | Granted | Granted | Granted | Granted | 431.100(a)(2) |
| Law Enforcement | Granted | Granted | Granted | Granted | Granted | 431.100(a)(2) |
| Courts | Granted | Granted | Granted | Granted | Granted | 431.100(a)(2) |
| Grand Juries | Granted | Granted | Granted | Granted | Granted | 431.100(a)(2) |
| Coroners | Denied | Denied | Denied | Denied | Denied | 431.100(a)(2) |
| Physicians | Denied | Denied | Denied | Denied | Denied | 431.100(a)(2) |
| Schools | Denied | Denied | Denied | Denied | Denied | 431.100(a)(2) |
| Other States | Denied | Denied | Denied | Denied | Denied | 431.100(a)(2) |
| Multidisciplinary Review | Granted | Granted | Granted | Granted | Granted | 431.100(a)(2) |

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Committees

| | | | | | | |
|--|---------|---------|---------|---------|---------|---------------|
| <i>Child Death Review Teams</i> | Granted | Granted | Granted | Granted | Granted | 431.100(a)(2) |
| <i>Persons Authorized by the Director</i> | Granted | Granted | Granted | Granted | Granted | 431.100(a)(2) |
| <i>DCFS Inspector General</i> | Granted | Granted | Granted | Granted | Granted | 431.100(a)(2) |
| <i>General Public</i> | Denied | Denied | Denied | Denied | Denied | 431.100(a)(2) |
| <i>Licensee</i> | Granted | Granted | Granted | Granted | Granted | 431.100(a)(2) |
| <i>Licensee's Attorney</i> | Granted | Granted | Granted | Granted | Granted | 431.100(a)(2) |

431. Appendix C - CFS 600-3, Consent for Release of Information

The **CFS 600-3** is an all-purpose consent for release of information form that can be used to obtain medical, psychiatric/psychological, educational, financial and other information concerning individuals served by the Department when completed in accordance with the following instructions and signed by the person with the authority to give consent and witnessed by a person who can attest to the identity of the person so entitled. **The CFS 600-3 conforms to the Mental Health and Developmental Disabilities Confidentiality Act and can be used for the release of mental health and developmental disabilities information.**

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Instructions for Completing the CFS 600-3

- Line 1:** Enter the name of the person giving consent.
- Line 2:** Enter the name and address of the facility or person that is the custodian of the information requested. It may be necessary to prepare a consent form for each provider if there are multiple providers with medical, mental health or substance abuse records that need to be released.
- Line 3:** Enter the name and date of birth of the person whose records or information will be released. Prepare a separate consent form for each person whose records are to be released.
- Line 4:** Enter the name and address of the agency or person to which the information will be released. Do not use specific names to avoid problems in the event of case transfers, job changes, etc. If it will be necessary to share the information beyond DCFS, the private agency or contractor, the Redislosure Consent section at the bottom of the form must be completed. Without consent for redislosure it may be necessary to prepare additional consent forms to authorize redislosure.
- Lines 5-11:** Enter the specific type of information to be released. Include relevant years of treatment/services. The law prohibits blanket consents. The consent should cover all documents relevant to the purpose for which the information is requested. You do not need to know of the existence of a particular document to request it. There should be a correlation between the type of information requested and the reason(s) for the request entered on line five. For example, if the purpose for the request is to assess parenting capabilities, the information requested must relate to the individual's ability to function or to parent, which may include therapist's notes, reports or other mental health information.
- Line 12:** Enter the reason for requesting the information. Frequently used reasons include:
- casework planning;
 - provision of social services;
 - evaluation for purposes of service planning/placement/licensing decisions;

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- assessment of parenting capabilities;
- to assess progress in treatment;
- to assist in determining whether abuse or neglect occurred;
- to assess safety risks or identify risk factors that could impair the child's safety;
- to determine prognosis for change; and
- to determine appropriate visitation.

Line 13: Enter the consequences that will be imposed by the Department if the person refuses to consent. Such consequences may include:

- worker will attempt to screen case into court;
- worker will seek a court order for disclosure;
- worker will recommend to the court that the child
- be removed;
- worker will be unable to recommend expanded visitation
- to the court;
- visitation may be denied or delayed;
- reunification may be denied or delayed;
- the Department will be unable to assess for provision
- of services;
- the Department may weigh failure to consent in determining whether the parent is compliant with services or has completed
- tasks satisfactorily;
- the Department may make adverse decisions concerning foster children in your care; or
- any other valid consequence.

Workers may not suggest or imply adverse consequences to clients beyond those that the Department can actually impose. In addition, no adverse consequence would flow from failure to consent unless the information sought is reasonably needed by the Department in fulfillment of legitimate departmental functions (i.e., investigating abuse or neglect allegations, providing follow-up

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services, determining appropriate placement or permanency goal, supporting termination of parental rights or licensure).

Line 14: Enter the date the consent form is signed. The consent will expire one year from the date signed.

Line 15: After all sections of the form have been completed, have the appropriate person sign the form. If the records are for an adult, the adult should sign. If the records of a child (age 11 and under) are sought, the parent or guardian should sign. If the child is a ward, the Guardian of the Department should sign the form.

Line 16: Children 12 years of age or older are required to sign the consent when their mental health information and information regarding birth control services, pregnancy, treatment for sexually transmissible diseases or drug or alcohol abuse is requested.

If a Department ward is age 18 or over and has not been declared incompetent by a court of law, only the ward may consent to release of his/her personal information.

Line 17: Enter the address of the consenting party.

Line 18: Enter the relationship of the person giving consent (line 15) to the person whose information is requested (line 3).

Line 19: A witness who is familiar with the person giving consent must sign the consent form (line 15) when mental health information is requested. The witness should be someone other than the worker.

Redisclosure Consent

This section must be completed when the information will be shared with persons outside of the Department or private agency or contractor named on line 4.

Revocation of Consent

Any revocation of consent shall be in writing, signed by the person who gave the consent, and a person so entitled shall witness the signature. No written revocation of consent shall be

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effective to prevent disclosure of records and communications until the person authorized to disclose records and communications receives it.

Conveying Right of Access to Another Person

Persons served by the Department may convey the right of access to their records to an attorney, advocate, relative, or any other person they wish to authorize as their representative. In order for the client's representative to have access to the client's records, the client shall provide the Department with a signed, notarized, written statement that clearly identifies the representative. A **CFS 600-3** may be used for this purpose. Department staff may assist a client in the preparation of the **CFS 600-3**, and a Department notary shall notarize the signature. A copy of the completed **CFS 600-3** shall be placed in the case file, a copy given to the client and a copy given to the child, if the child is 12 years of age or older.

3.15 Nepotism

No employee shall participate in any way in the hiring, supervision (to include direct, chain of command or temporary), or evaluation of another employee who has or acquires a familial relationship. "Familial relationship" within the meaning of this policy means two employees (or an employee and a job applicant) in the relationship of wife, husband, civil union partner, son, daughter, mother, father, sister, brother, nephew, niece, aunt, uncle, grandmother, grandfather, granddaughter, grandson, any of those relationships arising as a result of marriage (for example, in-laws) or a legal dependent as claimed on the most recent federal income tax return. This policy includes employees with a familial relationship with someone on a board or commission which deals with, oversees, or provides recommendation(s) to the Department regarding policy and/or practices.

1. Those with a familial relationship may not provide supervision to each other, but they are allowed to work in the same work location.
2. Any individual seeking employment, promotion, transfer, and/or any other action that modifies existing work conditions, must identify to the Department's Office of Employee Services (LaborRel@illinois.gov) anyone with a familial relationship working for the Department in the same work location or within the chain of command at a different work location for which the individual is seeking consideration.
3. Denial of employment, promotion, transfer, and/or any other action that modifies existing work conditions will occur for any individual to a position in which supervision (to include direct, chain of command or temporary) of someone in a familial relationship would exist.
4. Failure of an employee or applicant to disclose a familial relationship as defined by this policy, may result in disciplinary action up to and including discharge.
5. Immediate relatives serving on DCFS-related boards or commissions may not use or attempt to use influence toward the Department in order to gain favor for their respective family member(s).

3.16 Falsification of Records

Policy Guide 2000.03, Prohibition of Falsification of Records (attachment 3.16a) clearly identifies the Department's requirement for accuracy of documents and information obtained or provided by employees and/or private agencies.

Accuracy is required for all documents, including but not limited to:

- CMS 100 Employment application
- CMS 100B Promotional application
- CMS 100C Employment application for SPSA and PSA
- Employee time records
- Travel vouchers
- Child Abuse & Neglect Tracking System (CANTS) report
- Client /Case Records
- Private agency contracts
- Documents submitted by private agency providers
- Activity Travel Report
- Unusual Incident Report

Disciplinary action consisting of immediate discharge will be initiated against any employee who has violated this policy (no matter when such violation is discovered) when it involves:

- Falsification of client/case information.
- Court testimony.

Disciplinary action up to and including discharge, also may be initiated against any employee who violates this policy with regard to any other type of record or any employee who participates or encourages another employee or prospective employee to violate this policy and/or fails to promptly disclose knowledge of a falsified record to the Department's management.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Distribution: B, D

Policy Guide 2000.03

PROHIBITION OF FALSIFICATION OF RECORDS

RELEASE DATE: March 15, 2000

TO: All Staff
FROM:  Jess McDonald, Director

EFFECTIVE: March 31, 2000

I. PURPOSE

The purpose of this Policy Guide is to issue revisions to Policy Guide 96.6, Falsification of Records, which was originally issued on April 1, 1996. The revisions occur in Sections IV. and V. Court records have been added to the list of records covered by this policy and immediate discharge is now the only penalty for employees or prospective employees who falsify client/case record information or court testimony. Disciplinary action, up to and including discharge, may be initiated for all other types of falsification and against any employee who participates or encourages another employee or prospective employee to violate the policy.

II. PRIMARY USERS

The primary users of this Policy Guide are all Department staff.

III. BACKGROUND INFORMATION

It is critical that all clients, agencies, members of the public and other entities who interact with the Department or rely on Department records, be able to rely upon the truthfulness and accuracy of records secured and maintained by the Department. Moreover, if an employee submits or prepares any document or record which contains false information, it may jeopardize the value of an investigation, affect the outcome of a case, and/or present an actual or potential risk of harm to children, families, co-workers and/or foster parents.

In the past, the Department has received reports that reflect that some staff members may have submitted false information, data and/or documentation regarding cases and other matters within the scope of their employment. It has also come to my attention



that certain employees and applicants for employment have made false representations and/or have failed to disclose certain information when requested which may have directly affected their qualifications for employment or continued employment with the Department.

While these situations are rare, the Department considers them to be very serious matters which will not be tolerated. So that there is no confusion regarding matters, the Department has created the following guidelines which apply to employees and prospective employees of the Department at all levels.

IV. Falsification of Records Prohibited

For reasons noted above, the Department will not tolerate written or oral falsification and/or perjury, by any employee or prospective employee.

Falsification of records or statements includes (without limitation), an act of misrepresentation, falsification or omission of any fact, whether written or verbal. Records covered by this policy include (without limitation):

- Client or case records
- Court testimony;
- Vouchers;
- Personnel records;
- Time and attendance records;
- Employment applications and related documents used to determine eligibility for employment or continued employment; and/or
- Any other form or submission of information which is or may be used by the Department as a basis for determining individual's eligibility for an appointment, reassignment, promotion, leave or other employment decisions.

The Department's prohibition regarding falsification of records extends to documents submitted to the Department pursuant to its mandate of providing or arranging for the delivery of child welfare services. This prohibition also extends to information provided by current and prospective employees submitted for consideration in determining whether the employee or applicant is eligible for employment and/or continued employment with the Department. ***Any Department staff having reason to believe that records or documents received from service providers are false shall bring the matter to the attention of the Office of the Inspector General.***

V. Disciplinary Action for Violations

Disciplinary Action consisting of immediate discharge will be initiated against any employee who has violated this policy (no matter when such violation is discovered) when it involves:

- Falsification of client/case record information.
- Court testimony

Disciplinary action, up to and including discharge, also may be initiated against any employee who violates this policy with regard to any other type of record or any employee who participates or encourages another employee or prospective employee to violate this policy and/or fails to promptly disclose knowledge of a falsified record to the Department's management.

In the event that information is submitted to the Department indicating that an employee may be in violation of this policy with respect to an on-going investigation, the Department reserves the right to relieve the employee(s) from the case(s) and reassign the affected employee(s) pending the outcome of the investigation.

VI. Filing Instructions

File this Policy Guide immediately after Policy Guide 90.2, which follows the Table of Contents of the Volume of Rules and Procedures. Discard Policy Guide 96.6, which has been replaced by this Policy Guide.

3.17 Appropriate Attire

Employees of the Department are considered professionals and, therefore, are expected to dress appropriately. Specific situations, such as representing the Department in court or at meetings with the public or other professionals, may call for dressing in a more conservative style than everyday work attire. In these situations, employees are not expected to abandon their own personal style of dress; however, they are expected to exercise reasonable judgment when selecting clothing to wear while representing the Department.

3.18 Use of State Telephones

In order to guard against telephone abuse and to permit state employees to make reasonable use of state telephone and cellular systems, the use of state telephone and cellular services is limited to official business. Official business calls include emergency calls, calls that are in the best interest of the state, and personal calls which meet the criteria in the State Telephone Usage Policy (attachment 3.18a).

State Telephone Usage Policy

The intent of this policy is to permit state employees to make *reasonable use* of state telephone systems and, at the same time, to guard against telephone abuse. The use of state telephone services is *limited to official business*. Official business calls include emergency calls and calls that are in the best interest of the state. A call may be considered in the best interest of the state if it meets the following criteria:

- It does not adversely affect the performance of official duties by the employee or the employee's organization;
- It is of reasonable duration and frequency; and,
- It could not have been reasonably made during non-work hours.

Examples of circumstances that fall under the above guidelines include, but are not limited to, the following:

An employee is required to work overtime without advance notice and calls within the local commuting area (the area from which the employee regularly commutes) to advise his or her family of the change in schedule or to make alternate transportation or child or elder care arrangements.

An employee makes a brief call to locations within the local commuting area to speak to spouse, minor children, elderly parent, or those responsible for them (e.g., school or day care center, nursing home, etc.)

The employee makes brief calls within the local commuting area that can be reached only during working hours, such as a local government agency or a physician.

An employee makes brief calls to locations within the local commuting area to arrange for emergency repairs to his or her residence or automobile.

Personal calls that must be made during work hours may be permitted if:

- The call is charged to the employee's home phone or other non-government number;
- It is made to an "800" toll-free number;
- It is charged to the called party if a non-state number; or,
- It is charged to a personal credit card.

For any use of state telephones beyond the parameters of this policy, employees shall be charged actual CMS billed charges. If employees fail to reimburse the state within 30 days of the telephone statement or if it is determined that the employee has abused the telephone usage policy, the employee shall be charged actual CMS billed charges plus \$1.00 per minute for long distance calls and \$0.50 per minute for local calls. These rates are intended to cover the administrative costs associated with processing payment. The rate for abuse of long distance calling has been in effect since January, 1980.

3.19 Use of State Equipment

The use of any state and/or DCFS equipment is strictly limited to State of Illinois business. This equipment includes, but is not limited to: computers, computer software and data, email access and information, fax machines, typewriters, copy machines, vehicles, and telephones (in accordance with the state telephone policy).

Employees are responsible for the proper use of equipment and, therefore, must take appropriate precautions. If a problem occurs, employees should notify their supervisor or applicable agency personnel staff assigned to the maintenance of the device in need of servicing. Employees may be held accountable for damage to state/DCFS property resulting from employee neglect or intentional abuse.

Employees must use established distribution lists for sending information. Employees shall not attempt “mass mailings” to all Department or state users on the email system, including but not limited to birth and death notices, without securing appropriate advanced approval. Employees may, however, inform DCFS staff of the death and funeral arrangements of immediate family members of other staff but must send these type of notices to annouce@idcfs.state.il.us, for approval and distribution to all staff. Additional E-mail information is addressed in Administrative Procedure #20 (attachment 3.19a).

Information contained in employee computer data bases, including email, and information stored on disc or hard drive, is considered confidential. Employees shall not attempt to access another employee’s computer-based information without that employee’s knowledge or permission. To do so may be considered an attempt to breach security and may be cause for disciplinary action up to and including discharge. All employees are encouraged to use security access passwords and to refrain from sharing this information with co-workers.

All property furnished by the Department to assist the employee in performing job functions are the property of the employer and is subject to periodic monitoring. The employee should not expect that any state property, or any employee property used to store state property, can be kept private from the state.

ADMINISTRATIVE PROCEDURE #20
Electronic Mail/Internet Usage/SACWIS Search Function
August 12, 2003 – P.T. 2003.21

Section

- 20.1 Purpose
- 20.2 Definitions
- 20.3 Permissible uses of Electronic Mail, Internet Usage and SACWIS Search Function
- 20.4 Transmission of Confidential Information
- 20.5 Prohibited Uses of Electronic Mail
- 20.6 Prohibited Uses of the SACWIS Search Function
- 20.7 Statewide Business Related Announcements
- 20.8 Department Monitoring, Access and Disclosure
- 20.9 Security and Confidentiality
- 20.10 Maintenance of Electronic Mail
- 20.11 Policy Enforcement
- 20.12 Policy Acknowledgement

Appendix A Electronic Mail/Internet Usage/SACWIS Search Function Certificate of Understanding

Appendix B Internet User's Guide

20.1 Purpose

The purpose of this Administrative Procedure is to establish the Department's policy regarding the use, access, maintenance and disclosure of electronic mail and Internet usage. Electronic mail or E-mail has become an essential method of communication that is accessible to all Department of Children and Family Services staff. The Department

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encourages and supports the use of E-mail to facilitate timely and efficient business-related communications; however, there are some basic principles that govern the use of E-mail and Internet.

- The Department's electronic mail and Internet systems should be used only for business-related communications and research.
- Department employees and other authorized users should have no expectation of privacy in anything they access, create, store, send or receive when using the Department's electronic mail and Internet systems.
- All users of the Department's electronic mail and Internet systems are required to use these resources in a responsible, professional, ethical and lawful manner.
- E-mail or Internet, used inappropriately, could result in lawsuits, costly litigation and/or employee discipline.
- The sending of E-mail does not absolve the sender from communicating orally with the recipient on critical job-related matters or tasks.

This Administrative Procedure should be considered an extension and further clarification of the information contained in the Department's Internet User's Guide (see Appendix B).

20.2 Definitions

"Electronic Mail System" means the State's messaging system that depends on computing equipment to create, send, forward, receive, reply to, transmit, store, hold, copy, view, print and read electronic mail.

"Electronic Mail or E-mail" means any electronic computer document or message created, sent, forwarded, received, replied to, transmitted, stored, copied, downloaded, displayed, viewed, read or printed via the Internet or Intranet.

"Internet" means a group of independent self-defined and self-contained computer communication areas. Internet connections enable access to the Internet (a.k.a. the World Wide Web) when appropriate software has been installed on a workstation.

"Intranet" means a self-contained computer communication network that is strictly internal to the Department and authorized users.

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“SACWIS” means the “State Automated Child Welfare Information System.” Confidential information of persons served by the Illinois Department of Children and Family Services is stored in the SACWIS database.

"SACWIS search function" means the mechanism by which authorized SACWIS users may retrieve information maintained in the Department's database regarding child abuse and neglect investigations, child welfare service cases, and related information involving mandated reporters and Department personnel.

20.3 Permissible Uses of Electronic Mail, Internet and SACWIS Search Function

a) Authorized Users

Only Department staff, authorized contractual staff, and private agencies using the SACWIS (Statewide Automated Child Welfare Information System) network are considered authorized users of the Department's electronic mail and Internet systems and SACWIS search function.

b) Purpose of Use

1) Electronic Mail and Internet

Internet usage, electronic mail or the use of any Department resources for electronic mail should be related to Department business. This includes union-related business as stipulated in the agreements between the Department of Central Management Services and the applicable collective bargaining entities.

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2) SACWIS Search Function

The SACWIS search function shall be limited to use by authorized persons that have need of specific database information for the accomplishment of assigned case management functions.

20.4 Transmission of Confidential Information

Confidential information may be transmitted only as authorized under **Rules and Procedures 431, Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services**. Information related to the Comprehensive Medicaid Billing System and Medicaid Community Mental Health Services shall remain confidential and may only be transmitted by authorized persons in accordance with **Rules and Procedures 431**, and Policy Guides 2003.04 (Comprehensive Medicaid Billing System/Medicaid Billing System) and 2003.05 (Health Insurance Portability and Accountability Act).

20.5 Prohibited Uses of Electronic Mail or Internet

Displaying or disseminating materials that can be considered by some people to be obscene, racist, sexist or otherwise offensive, may constitute harassment by creating a hostile work environment. Accessing non-business related Internet sites may subject the user to discipline, up to and including discharge. Furthermore, unintended usage or unauthorized access or interference may subject the employee and/or the Department to legal action. Consequently, the Department requires appropriate standards of conduct to be employed when using electronic mail or Internet.

Specific prohibited uses of electronic mail include, but are not limited to:

- Using electronic mail systems for any purpose restricted or prohibited by State and Federal laws or regulations;

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- Sending electronic mail that is considered offensive to any individual or group or accessing Internet websites for non-business purposes;
- Transmitting, via the Internet, case-related information such as, but not limited to, case notes, correspondence or documents in violation of **Rules and Procedures 431**. Personal information of persons served by the Department shall not be transmitted using the Internet, except as approved in writing by the Director or Chief Legal Counsel for purposes of automated E-mail reminders of juvenile court hearings and case reviews. No confidential information shall be contained in an Internet E-mail message, listed in a “chat room,” or otherwise referenced in any Internet communication. Personal information of persons served by the Department may be transmitted via Outlook E-mail to other Illinois state agencies when the disclosure is in accordance with **Rules and Procedures 431**, and the information is sent through the DCFS Outlook E-mail system by selecting the other Illinois state agency employee’s name from the Outlook Global Address List. Any other method of addressing an E-mail, including typing in the state employee’s full E-mail address, may result in the E-mail being transmitted via the Internet, which is prohibited.
- Transmitting confidential personnel, employee discipline, or employee evaluation-related information unless necessary as part of the employee’s job duties within the Department;
- Sending copies of documents in violation of copyright laws;
- Unauthorized intercepting and opening of electronic mail except as required in order for authorized employees to diagnose and correct delivery problems or to monitor usage in accordance with this Administrative Procedure, or for authorized investigations pursuant to Rule 430 or other appropriate Department purposes;
- Using electronic mail to harass or intimidate others or to interfere with the ability of others to conduct Department business;
- Accessing or attempting to access websites for non-business purposes that are sexually explicit, demeaning or exploitive of minors, women or minorities or otherwise counter to the purposes of the Department;
- Unauthorized use of an individual’s E-mail account (See Appendix B) other than for monitoring or investigative purposes consistent with this Administrative Procedure or Rules 430;
- Constructing an electronic mail communication so it appears to be from someone else;
- Attempting unauthorized access to electronic mail or attempting to breach any security measures on any electronic mail system, or attempting to intercept any electronic mail transmissions without proper authorization;

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- Downloading and installing of unauthorized software;
- Using the E-mail or Internet system to conduct statewide mailings for notifications of births, deaths, illness, parties and social events;
- Using E-mail or Internet for other such non-business related matters; or
- Including non-business related graphics within an E-mail message.
- There is a presumption that the use of chat rooms is non-business related.
- Unauthorized use of Internet access is not limited to business hours. DCFS equipment cannot be used for non-business purposes.

20.6 Prohibited Uses of the SACWIS Search Function

Purposes for which the SACWIS search function may not be used include, but are not limited to the following:

- The SACWIS search function may not be used by persons other than those authorized by the Department.
- The SACWIS search function may not be used to retrieve database information for purposes other than the accomplishment of assigned duties.
- Information obtained via a SACWIS search shall not be transmitted using the Internet or contained in an Internet E-mail message, listed in conversation in a “chat room,” or otherwise referenced in any Internet communication.

20.7 Statewide Business-Related Announcements

Business-related announcements to all Department users must be directed to the following E-mail address: ANNOUNCEMENTS. Include in the first line of the message the date that you wish the announcement to be sent.

E-mail sent to this address will be reviewed for appropriateness prior to distribution. You will be contacted, if necessary, to discuss any issues with the announcement. Allow a minimum of one business day for distribution. Emergency announcements should be

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marked URGENT and include in the first line an explanation of the situation creating the emergency. (Note: This will be removed prior to distribution.)

20.8 Department Monitoring, Access and Disclosure

Electronic mail created or stored on Department equipment or Internet usage constitutes a Department record and is subject to the disclosure laws of the State of Illinois. The Department reserves the right to monitor, access and disclose contents of electronic mail or internet usage without the consent of the originator or the recipient of the correspondence.

The SACWIS search and the information developed from the search that is stored on Department equipment constitutes a Department record and is subject to the disclosure laws of the State of Illinois. The Department reserves the right to monitor, access and disclose contents of searches without the consent of the originator of the search.

20.9 Security

Users are advised that electronic mail messages that are transmitted, received or stored on the Department's electronic mail systems are the property of the Department, and as such may be considered public records. All Internet sites accessed and attempts to access are subject to monitoring by the Department. The SACWIS search and the information developed from the search that is stored on the Department's electronic systems are the property of the Department, and as such may also be considered public records.

All Department electronic mail and Internet usage that connects to the Internet, Outlook, PROFS or AS400 systems passes through the Department of Central Management Services' (CMS) computer network. Both CMS and DCFS conduct regular back-ups of their electronic mail files. Even though the sender and recipient have discarded or deleted their copies of an electronic mail record, there may be back-up copies, either at DCFS or CMS that can be retrieved as the result of discovery requests in the course of litigation or other official inquiry.

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20.10 Maintenance of Electronic Mail

All electronic records will be maintained according to the rules and timeframes set forth by the State Records Commission and the Department. Staff should preserve essential electronic business records through archiving documents on their workstation or through conventional filing and maintenance.

The Department will maintain a back-up copy of deleted E-mail transactions for 30 days, at which time they will be removed from the system. A back-up copy of the E-mail journal will be taken every 30 days of all E-mail transactions occurring in that 30-day period and will be retained for five years.

20.11 Policy Enforcement

Violations of Department E-mail or SACWIS search policies will subject employees to disciplinary action up to and including discharge.

20.12 Policy Acknowledgement

Users of the Department's electronic mail system and/or SACWIS search function *must* sign a **CFS 123 (Electronic Mail/Internet Usage/SACWIS Search Function Certificate of Understanding)** acknowledging that they have read and understand the conditions and terms of this agreement (See Appendix A). The signed copy is to be maintained in the employee's on-site personnel file and a copy sent to the Office of Employee Services for inclusion in the employee's personnel file. Failure to sign a **CFS 123** will result in loss of network privileges.

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APPENDIX A

CFS 123
07/2003

State of Illinois
Department of Children and Family Services

ELECTRONIC MAIL/INTERNET USAGE/SACWIS SEARCH FUNCTION
CERTIFICATE OF UNDERSTANDING

- 1) I acknowledge that I have read Administrative Procedure #20, Electronic Mail/Internet Usage/SACWIS Search Function, and that I am responsible for abiding by the policies contained, therein.
- 2) I understand that the use of computer equipment, software and the electronic mail system is for State of Illinois business only.
- 3) I understand that unauthorized transmittal of confidential information via the electronic mail system is prohibited.
- 4) I understand that only non-confidential information may be transmitted across the Internet (outside the Department's Outlook E-mail system) and that I may never use specific names of wards (except as approved in writing by the Director or Chief Legal Counsel for purposes of automated E-mail reminders of juvenile court hearings and case reviews), perpetrators, witnesses or any other persons served by the Department in an Internet E-mail message, listed in conversation in a "chat room," or otherwise referenced in any Internet communication.
- 5) I understand that information obtained via a SACWIS search shall not be transmitted using the Internet or contained in an Internet E-mail message, listed in conversation in a "chat room," or otherwise referenced in any Internet communication.

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- 6) I understand that electronic mail records are considered Department business records subject to Federal and State freedom of information laws and official State of Illinois record retention rules.
- 7) I understand there is no expectation of privacy in any E-mail, Internet or SACWIS search document I create, store, send or receive when using the Department's electronic mail and Internet systems.
- 8) I understand that a violation of this policy may result in disciplinary action, up to and including possible discharge, as well as civil and criminal liability that my action may create.

Signature: _____ Date: _____

Printed Name: _____

Work Location: _____

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3.20 Smoking Policy

In accordance with the Smoke-free Workplace Act and current Supplemental Agreements, smoking is permitted only in the negotiated “designated smoking areas” at each DCFS work location.

DCFS further recognizes that the specified provisions of the Smoke-free Workplace Act concerning cigarettes also apply to electronic cigarettes.

“Electronic cigarette” means any electronically activated device which in operation causes the user to exhale any smoke, vapor, or other substance other than those produced by unenhanced human exhalation.

“Electronic cigarette” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or under any other product name or descriptor.

“Electronic cigarette” does not include any asthma inhaler or other device that has been specifically approved by the United States Food and Drug Administration.

3.21 Photo Identification Cards

Only photo and temporary identification cards issued by the Department or Central Management Services (CMS) are recognized as acceptable forms of identification. While it is not required that this photo I.D. card be displayed, it must be readily available and be presented upon request within a reasonable period of time. Under no circumstances may an employee use his/her photo I.D. card for any purpose other than in the performance of official duties as assigned or prescribed by the Department and/or applicable state laws. In addition, “badges,” I.D. cards, or any other forms of identification not issued by the Department or CMS **are prohibited**. Furthermore, employees are not permitted to use the state seal without written permission or in a manner other than for the use of official state identification.

In the event an employee loses his/her I.D. card or it is damaged to the point that it requires replacement, the employee must notify the I.D. card coordinator, in order to schedule a time to have the card replaced.

An employee may also request a replacement card in the event of a change in job assignment, a legal name change as a result of marriage or divorce, or as a result of a change in physical appearance.

Employees found using any form of non-acceptable identification may be subjected to disciplinary action up to and including discharge.

Additional employee photo I.D. information is addressed in Administrative Procedure # 4 (attachment 3.21a).

Employee Photo Identification Cards

May 17, 2000 - PT 2000 08

ADMINISTRATIVE PROCEDURE #4

EMPLOYEE PHOTO IDENTIFICATION CARDS

May 17, 2000 - PT. 2000.08

- Section 4.1 General Instructions
- Section 4.2 Use of Photo ID Cards
- Section 4.3 Replacement/Surrender of Photo ID Cards
- Section 4.4 Retention of Photo ID Information/Maintenance of Records
- Section 4.5 Locations

Section 4.1 General Instructions

All staff of the Department of Children and Family Services are to be issued a Photo Identification Card. While it is not required that this photo ID card be displayed, it must be readily available and be presented upon request within a reasonable period of time.

A photo ID card shall be issued to all employees within one month of the initial employment date and shall be retained by employees until they end their employment with the Department or are requested to surrender their photo ID under the provisions outlined in Section 4.3 of this Procedure.

The photo ID card will carry the following information:

- Photograph of the employee
- ID Number (Social Security Number)
- Name
- Unit
- Region/Field
- Eye Color
- Height
- Sex
- Signature of Employee
- Issue Date

Employee Photo Identification Cards

May 17, 2000 - PT 2000 08

Each administrative unit's Personnel Liaison will be responsible for securing the necessary information for completion of the ID card, as well as scheduling the time to have the employee's photo taken. The Personal Liaison or Regional Business Manager, as appropriate, shall be responsible for procurement of all necessary photo ID supplies.

Section 4.2 Use of Photo ID Cards

DCFS employees in Child Protection, Operations and Licensing shall have a photo ID card in their possession while performing official duties away from the work location. Department employees shall, under no circumstances, use their photo ID card for any purpose other than in the performance of official duties as assigned or prescribed by the Department and/or applicable State laws. When an employee is alleged to have used the photo ID card inappropriately (deceptive purposes, personal gain, misrepresentation of duties, etc.), an investigation of such allegation shall be referred to the Department's Office of the Inspector General.

Section 4.3 Replacement/Surrender of Photo ID Cards

a) New photo ID cards shall be issued for the following circumstances:

1) Lost or damaged cards

When an employee loses a photo ID card or it is damaged to the point that it requires replacement, the employee may request a replacement through his/her immediate supervisor who will then inform the Personnel Liaison in order to schedule a time to have the card replaced.

2) Change of job assignment

When an employee accepts another position in the Department that meets any of the following criteria, the photo ID card will be replaced:

- transfer to a different region;
- a change from a direct service unit to a non-direct service unit or vice-versa;
- a transfer to or from a Central Office division to or from a region.

3) Change of name

When an employee's legal name is changed, a new photo ID card shall be issued to the employee. It is the employee's responsibility to notify the appropriate Personnel Liaison of the name change.

Employee Photo Identification Cards

May 17, 2000 - PT 2000 08

4) Employee's request

When an employee would like to have his/her photo ID card replaced due to a change in physical appearance, the employee may request such a review for replacement through his/her immediate supervisor or the appropriate Personnel Liaison who will then verify that a replacement photo ID is needed.

b) The employee photo ID shall be surrendered under the following circumstances:

1) Administrative Leave of Absence

When an employee is placed on an Administrative Leave of Absence, the employee's supervisor shall retain the photo ID card.

Upon return from leave, the card shall be returned to the employee.

2) Suspension Pending Decision on Discharge, Discharge or Termination of Employment

When an employee is placed on Suspension Pending Decision on Discharge, Discharged or terminates employment with DCFS, the photo ID card shall be surrendered to the appropriate Personnel Liaison. Each administrative unit's Personnel Liaison shall then forward the photo ID card to the Office of Employee Services where it will be placed in the employee's personnel file. When an employee has not surrendered the photo ID card by the time of receipt of his/her last paycheck, the paycheck shall be retained until the photo ID card is surrendered.

Section 4.4 Retention of Photo ID information/Maintenance of Records

After all information on the photo ID form (IL-41 8-0187) has been typed, the top portion will be used for the photo ID card. The lower portion shall be retained by the appropriate regional/divisional Personnel Liaison. Office of Employee Services staff shall ensure that such information is retained for all Central Office staff.

When an employee resigns or is terminated by the Department, the ID card form for that employee shall be retained in the employee's file.

If a second or subsequent card is issued to the employee, the new form should be filed by the Personnel liaison.

Employee Photo Identification Cards

May 17, 2000 - PT 2000 08

Section 4.5 Locations

Photo ID's will be taken at the following locations:

Central Office

Office of Employee Services
#4 West Old State Capitol Plaza
Springfield, IL 62701
217-557-1749

Cook County

Office of Employee Services
100 West Randolph, 4th Floor
Chicago, IL 60601
312-814-1222

Northern Region

Personnel Liaison
8 East Galena Blvd.
Aurora, IL 60506
630-801-3400

Central Region

Personnel Liaison
541 5 North University Avenue
Peoria, IL 61614
309-693-5418

Southern Region

Personnel Liaison
10 Collinsville Avenue
East St. Louis, IL 62201
618/583-2135

3.22 Licensure of Direct Child Welfare Services Employees and Supervisors

All direct child welfare services employees and supervisors employed by the Department and purchase of service agencies that participate in investigation, casework, intact or family preservation, permanency, agency or foster care licensing decisions, are required by the Children and Family Services Act, [20 ILCS 505/5c], to meet licensing standards of qualifications, education, and training.

Qualifications for License

The Department shall issue a license to an applicant who:

- 1) has applied in writing on the prescribed form;
- 2) has no pending or indicated reports of child abuse or neglect, and has no pending or criminal convictions of any offences stipulated under the Criminal Code of 1961 listed in Section 4.2 (b) of the Child Care Act of 1969 [225 ILCS 10/4.2 (b)];
- 3) is a graduate of an accredited college or university and meets the requirements of his or her position as defined in 89 Ill Adm. Code 401 (Licensing Standards for Child Welfare Agencies) or employed by an agency or the Department in the position of a direct child welfare services employee and the Department has deemed the individual as qualified;
- 4) has passed the examination to practice as a direct child welfare services employee as authorized by the Department (a score of at least a 70% is required to pass the examination);
- 5) is not delinquent in paying a child support order as specified in Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65]; and
- 6) is not in default of an educational loan in accordance with Section 2 of the Educational Loan Default Act [5 ILCS 385/2.

Grounds for Suspension, Revocation or Refusal to Reinstate License

The Direct Child Welfare Services Employee License Board may suspend, revoke or refuse to reinstate any license with regard to any direct child welfare services employee license issued by the Department.

3.22 Licensure of Direct Child Welfare Services Employees and Supervisors, cont'd

The acts that may cause the Direct Child Welfare Services Employee License Board to suspend, revoke or refuse to reinstate a license are identified in DCFS Rule 412.50, and are as follows:

- 1) violation or negligent disregard of this Part;
- 2) a charge or criminal conviction of any offenses stipulated under the Criminal Code of 1961 listed in the Child Care Act of 1969 (a charge may result only in suspension or temporary refusal to reinstate);
- 3) making any misrepresentation for the purpose of obtaining a license, including, but not limited to, failure to certify on the form, or a false statement, that the applicant is not more than 30 days delinquent in complying with a child support order;
- 4) an egregious act that demonstrates incompetence, unfitness or blatant disregard for one's duties in providing direct child welfare services;
- 5) a pattern of deviation from a minimum standard of child welfare practice that could result in an injury to a child;
- 6) aiding or assisting another person in violation of any provision of this Part;
- 7) failing to provide information regarding employee licensure within 60 days in response to a written request made by the Department related to an alleged violation of this Part ;
- 8) habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a worker's inability to practice with reasonable judgment, skill, or safety (This shall not include any person who has sought, will seek or is receiving substance abuse treatment if it does not impact on their ability to practice with reasonable judgment, skill or safety.);
- 9) discipline by another state or national licensing entity when the grounds for suspension, revocation or refusal to reinstate are substantially the same as at least one of the grounds established in this Section;
- 10) falsification of case records, court reports or court testimony;

3.22 Licensure of Direct Child Welfare Services Employees and Supervisors, cont'd

11) failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act (ANCRA);

12) being named as an alleged perpetrator in a pending child abuse or neglect report that may only result in suspension or refusal to reinstate pending the outcome of the child abuse or neglect investigation; and

13) being named as a perpetrator in an indicated report by the Department under ANCRA unless or until the indication is reversed on appeal or administrative court review in accordance with 89 Ill. Adm. Code 336 (Appeal of Child Abuse and Neglect Investigation Findings).

Other Causes for Licensure Action

The Board may suspend, revoke or refuse to reinstate any license for the following causes:

1) Mental Health and Developmental Disabilities

Involuntary admission of a licensee to a mental health facility as provided in the Mental Health and Developmental Disabilities Code shall result in an automatic suspension of his or her license. The license may be reinstated by the Board after a court finding that the licensee is no longer subject to involuntary admission.

2) Delinquent Compliance with a Child Support Order

Upon a final finding of delinquency or failure to comply with a subpoena or warrant, the Board shall refuse to reinstate or shall suspend or revoke the license of a person who is more than 30 days delinquent in paying a child support order as specified in Section 10-65 of the Illinois Administrative Procedures Act [5 ILCS 100/10-65].

3) Default of Educational Loan

The Board shall refuse to reinstate or shall suspend or revoke the license of a person who is found to be in default of an educational loan in accordance with Section 2 of the Educational Loan Default Act [5 ILCS 385/2].

3.22 Licensure of Direct Child Welfare Services Employees and Supervisors, cont'd

How To Submit a Complaint

The complaint process begins with the receipt of a written statement to:

Illinois Department of Children and Family Services , Office of Child Welfare Employee Licensing at 227 S. 7th Street, Sta. #122, Springfield, IL 62701

Anonymous complaints are acceptable, provided they contain sufficient information to allow for independent verification of facts. The Office of Employee Licensing will assist complainants who are illiterate or disabled and request assistance in writing the initial complaint. To receive assistance in making a complaint please call 217\524-3540.

A written complaint must contain:

- Licensed child welfare employee's name
- Reason for filing the complaint.

Complaints are logged in at the office and reviewed by the Emergency Licensure Review Team or "ERLT". This team is composed of the Child Welfare Employee Licensing Administrator, the Chairperson of the Board on Child Welfare Employee Licensing and a representative of the Office of Inspector General (OIG). If the Team decides that initial complaints warrant investigation, the Team refers complaints to the OIG for investigation.

Condition of Employment

Failure to achieve or maintain licensing standards may result in disciplinary action up to and including discharge.

Additional Licensure information is addressed in Rule 412.

Chapter 4.0

Employee Benefits and Programs

- 4.1 Leaves of Absence
- 4.2 Tuition Reimbursement
- 4.3 Prohibition Against Discrimination
- 4.4 Americans With Disabilities Act
- 4.5 Employee Assistance Programs
- 4.6 Workers' Compensation
- 4.7 Payroll Periods/Pay Dates
- 4.8 Payroll Deductions
- 4.9 Sick Leave Bank
- 4.10 Employee Health/Dental/Life Insurance
- 4.11 Deferred Compensation
- 4.12 State Employee's Retirement System
- 4.13 Family and Medical Leave Act

4.1 Leaves of Absence

Leaves of absence are addressed in: 1) CMS Personnel Rules, Part 303, Conditions of Employment, Subpart B, Leave of Absence; 2) AFSCME collective bargaining agreement, Article XXIII, Leaves of Absence; and 3) INA collective bargaining agreement, Article XVII, Leaves of Absence.

Failure to return to work from a leave of absence within five (5) workdays of the expiration date of the leave may be grounds for discharge. Employees who need further information about a specific leave of absence should contact their supervisor or personnel liaison.

A brief description of the most common leaves of absence follows:

A. Jury Duty

When an employee is called by state or federal court to serve on a jury, the employee is excused from regular job duties during the hours of service and remains on the Department payroll during jury duty without loss of vacation, personal leave, sick leave or accrued compensatory time. Employees must remit any fees received for jury duty to the Department for deposit in the state treasury. Mileage reimbursement may be retained by the employee and if the employee elects to keep the mileage portion they must make a copy of the original jury duty check and check stub detailing the breakdown and attach the copy to a personal check made payable to DCFS for the jury duty amount. Employees may elect to utilize benefit time for that day and retain any fees received for jury duty. Employees should contact the Payroll Office for guidance on handling jury duty fees. Checks may be mailed to the Payroll Office.

B. Military Leave

Effective January 1, 1991, employees requesting a military leave to carry out an obligation for Basic Training, Special or Advanced Training, Annual Training, Emergency Call-Up by the Governor, Voluntary Active Duty, or Voluntary Enlistment or Draft into a branch of the United States Armed Forces, must submit an Employee Request Form (CFS-728) (attachment 2.1b) and a copy of their orders to their supervisor and the Payroll Office. Employees should discuss with the supervisor, the use of any type of military leave well in advance of the report date on the orders, who will notify appropriate management staff. If the call up is due to a Presidential order the employee should contact the Payroll Office with regards to coordination of military pay and DCFS pay.

4.1 Leaves of Absence (cont'd)

C. Maternity/Paternity and Adoption Leave

Covered female members of the state employees' group insurance program who precertify their pregnancy no later than the 24th week of pregnancy will be eligible for four (4) weeks (20 workdays) paid maternity leave after the birth of the child or children. Covered male members who show proof that their spouse has received prenatal care in the first twenty weeks, with notification within 24 weeks, will be eligible for three (3) weeks (15 workdays) paid paternity leave. Employees must submit evidence of notification to the health plan signed by either their physician or health plan to the agency personnel office. If both the father and the mother are employed by the state, only one parent is eligible for this leave. Employees of a non-covered spouse are required to provide proof of the birth and marriage.

A covered member will be eligible for three (3) weeks (15 workdays) paid leave with a new adoption, with the leave to commence when physical custody of the child has been granted to the member, provided that the member can show that the formal adoption process is underway. Employees must submit the appropriate forms to the Payroll Office.

D. Family Responsibility Leave

In accordance with Section 303.148 of the Personnel Rules and current collective bargaining agreements:

1. An employee can request a Family Responsibility Leave for a period not to exceed one (1) year in order to meet or fulfill "immediate family" responsibilities, as defined in Section 2.4, Sick Time, arising from the employee's role in his or her family or as head of the household. Such request shall not be unreasonably denied. Bargaining unit employees shall request Family Responsibility Leaves of Absence in accordance with their appropriate bargaining agreements. Requests for such leave made by non-bargaining unit employees will be reviewed by the Agency Head to consider whether the family responsibility leave is substantial, whether the action is consistent with the treatment of other similar situations and whether the action is equitable in view of the particular circumstances prompting the request.

2. Any request for such leave must be made in writing by the employee reasonably in advance of the leave, unless such notice is precluded by emergency conditions, and must state the purpose of the leave and the expected duration of absence.

4.1 Leaves of Absence (cont'd)

D. Family Responsibility Leave (cont'd)

3. The leave will be granted only to a permanent full-time employee, except that an intermittent employee will be non-scheduled for the duration of the required leave. An employee in temporary, emergency, provisional, or trainee status will not be granted such leave.
4. The leave may not be renewed; however, a new leave can be granted at any time for an appropriate reason other than that for which the original leave was granted.
5. Failure of an employee, upon reasonable request by the agency, to provide timely verification or substantiation of a leave as directed may be cause for termination of the leave.
6. The leave cannot be used for the purpose of securing alternative employment. An employee on such leave cannot be gainfully employed full time; otherwise, the leave will terminate.

Standards for granting Family Responsibility leave and requirements upon return from such leave are addressed further in Section 303.148 of the Personnel Rules and subsequent collective bargaining agreements.

E. Disability Leave

If an employee is unable to perform a substantial portion of the regularly assigned duties due to temporary physical or mental disability, s/he will, upon written request, be granted a leave for the duration of the disability.

All available sick leave must be exhausted prior to an employee being placed on non-service-related disability leave. To qualify, the employee must furnish a doctor's statement showing the diagnosis, prognosis and expected duration of the disability. To remain on a disability leave, a doctor's statement must be furnished showing the above noted criteria no fewer than every 30 days, unless otherwise indicated by the physician and recognized by the supervisor. Employees may also request a disability packet from the State Employees' Retirement System (SERS) who upon receipt of all requested documentation determines if the employee's request for disability is approved or denied.

4.1 Leaves of Absence (cont'd)F. Educational Leave

A full-time, certified employee may request a leave of absence to attend a recognized college, university, trade or technical school, high or primary school, provided that the course of instruction is related to the worker's employment opportunities with the state and is of potential benefit to his/her state service. This leave may be granted for a period of up to one (1) year; extensions may also be requested in periods up to one (1) year.

An employee must submit evidence from the college, university, or other school that s/he is or has been accepted as a student and, on the expiration of each semester or other school term, must submit proof of attendance during such term.

An Application for Educational Leave (CFS720) (attachment 4.1a) and a Personnel Action Request (CFS700) (attachment 4.1b) must be signed by the employee's supervisor, Field Services Administrator, Training and the Director PRIOR TO THE COMMENCEMENT OF SUCH LEAVE.

G. Organ Donor Leave

With advanced supervisory approval, employees may be entitled to organ donation leave with pay. An employee may use:

1. up to 30 days of organ donation leave in any 12-month period to serve as a bone marrow donor,
2. up to 30 days of organ donation leave in any 12-month period to serve as an organ donor,
3. up to one hour to donate blood every 56 days, and
4. up to 2 hours to donate blood platelets not more than 24 times in a twelve month period.

CFS 720

State of Illinois
Department of Children and Family Services

APPLICATION FOR EDUCATIONAL LEAVE

Please submit three signed/completed forms to your administrator at least three months prior to the first day of the requested leave.

1. Name _____
2. Business Address and Zip Code _____

3. Business Telephone Number (_____) _____
4. Supervisor's Name _____
5. Supervisor's Telephone Number (_____) _____
6. In the following space, please list and document the following:
 - a. Type, length, nature of requested educational leave (enclosed descriptive literature outlining educational program).
 - b. Name of college, university, or proprietary school offering course of study.
 - c. Name of person (and telephone number) who acts in an official capacity and represents the college, university or proprietary school.

- a. _____

- b. _____

- c. _____

This image shows a single sheet of white paper with horizontal blue or grey ruling lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

In detail, explain how the knowledge/skills learned during the educational leave will (a) improve your job performance, (b) provide immediate and/or future benefits to the Department, (c) improve your capacity to serve clients of the Department, and (d) further your achievement of career development goals within the Department:

a.

b.

c.

d.

- Q. Attach a prepared/signed letter or statement from your supervisor which provides the following information:
- A statement which supports the application in both principle and content.
 - A statement which indicates how the job-related unit will cover your present job functions in your absence.
 - A statement which indicates the necessity for your educational leave and the immediate and/or future benefits to the Department.

APPROVAL SIGNATURES

Applicant

Date

Regional Administrator

Date

Director or Deputy Director

Date

Administrator, Staff Development/Training Section

Date

Director
Department of Children and Family Services

Date

State of Illinois
Department of Children and Family Services
APPLICATION FOR EDUCATIONAL LEAVE
B U D G E T A T T A C H M E N T

Please check the items which apply to your request for an educational leave:

_____ I am asking for time off without pay.

_____ I am asking for time off with pay.

_____ I am asking for _____ days off.

_____ I am asking for:

_____ Tuition reimbursement in the amount of \$ _____

_____ Fee reimbursement in the amount of \$ _____

_____ Transportation expenses in the amount of \$ _____

_____ List other expenses here:

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

List below the expenses you will personally incur if the application is approved:

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES
PERSONNEL ACTION REQUEST FORM

Attachment 4.1b

SECTION I. VACANCY ACTIONS. Complete this section and SECTION III when requesting to fill a vacancy. Refer to the chart shown on the back of this form for required attachments and signatures. Mark the applicable item in order to request a(n):

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Eligibility List | <input type="checkbox"/> Temporary Permit * | <input type="checkbox"/> Reinstatements | <input type="checkbox"/> Statewide Posting |
| <input type="checkbox"/> Emergency Hire * | <input type="checkbox"/> Provisional Permit | <input type="checkbox"/> Direct Hire (i.e., Student Workers, Technical Advisors) | |

* REASON SHOULD BE INDICATED IN SECTION V.

SECTION II. EMPLOYEE ACTIONS. Complete this section to initiate any employee actions. Fill in the employee's name, social security number and desired effective date. Mark the applicable item and obtain the required signatures and attachments according to the chart listed on the back of this form.

Individual's Name _____ S.S. # - - _____ Desired Effective Date _____

- | | | |
|--|---|---|
| <input type="checkbox"/> Probationary Appointment * | <input type="checkbox"/> Intra-Agency Transfer * | <input type="checkbox"/> Leave of Absence |
| <input type="checkbox"/> Provisional Appointment * | <input type="checkbox"/> Geographical Transfer * | Type of Leave _____ |
| <input type="checkbox"/> Reinstatement * | <input type="checkbox"/> Inter-Agency Transfer * | <input type="checkbox"/> LOA Extension To: _____ |
| <input type="checkbox"/> Trainee Appointment * | Transfer From/To _____ | <input type="checkbox"/> LOA Return/Expiration |
| <input type="checkbox"/> Temporary Appointment * | <input type="checkbox"/> Parallel Movement * | <input type="checkbox"/> Separation/Resignation |
| <input type="checkbox"/> Emergency Appointment * | <input type="checkbox"/> Job Assignment * | Reason _____ |
| <input type="checkbox"/> Exempt Appointment * | <input type="checkbox"/> Promotion * | <input type="checkbox"/> Pay Code Change To _____ |
| Part-Time Employee (Y or N) _____ | <input type="checkbox"/> Voluntary Reduction * | <input type="checkbox"/> Salary Adjustment |
| Entrance Salary _____ | <input type="checkbox"/> Name Change: From _____ To _____ | |
| <input type="checkbox"/> Superior Performance Increase | <input type="checkbox"/> Address Change: To _____ | |
| <input type="checkbox"/> Other Type of Action: Specify _____ | | |

* ALSO COMPLETE SECTION III FOR THESE ACTIONS

SECTION III. POSITION INFORMATION. Complete this entire section when filling a position by any action indicated in Section I or by an employee action noted with an asterisk in Section II.

- | | |
|----------------------------|-------------------------------------|
| (1) Position Title _____ | (2) Position Number _____ |
| (3) Division _____ | (4) Section _____ |
| (6) County _____ | (7) Position Inventory Number _____ |
| (8) Pay Code _____ | (9) Unit Code _____ |
| (11) Posting Dates _____ | (12) Previous Incumbent _____ |
| (13) Date of Vacancy _____ | (14) Reason for Vacancy _____ |

SECTION IV. POSITION ACTIONS. Complete the PIN, PAYCODE, and UNIT CODE information for all position actions. The CMS-104 indicates the type of position action desired. The CFS-700 is used for signature authorization purposes. Other position actions can be initiated by marking the applicable item below. Refer to the back of this form for required attachments and signatures.

- PIN # _____ PAY CODE _____ UNIT CODE _____
- | | |
|---|---|
| <input type="checkbox"/> Audit: Current Title _____ | Requested Title _____ |
| <input type="checkbox"/> Increase PIN(S) (Indicate # of PINS) _____ | <input type="checkbox"/> Abolish (PIN(S)) _____ |

SECTION V. REMARKS AREA. Use this space to further explain or provide documentation or generate miscellaneous corrections to personnel documents.

SECTION VI. SIGNATURES. Refer to the instructions on the back for **required** signatures and route accordingly. Other signatures may be optional, depending upon divisional/executive office procedures.

| Employee | Date | Executive Office Chief | Date |
|-----------------------------|------|--------------------------|------|
| Reg. Adm./DCP Mgr. | | | |
| Site Adm./Div. Office Chief | | Central Office Budgetary | |
| Divisional Budgetary | | Executive Deputy | |
| Deputy Director | | Director | |

| DOCUMENTS TO BE ATTACHED TO THE CFS 700 FORM | Supervisors Bid Record (If bargaining unit job) | Vacancy Notice (Or Waiver) | CFS-753 Emp/Prom. Monitor (If AA goal exists) | CMS-100 Application (*If title changes) | CMS-201/201MC Performance Eval. | CFS-717 A, B, C, D | Ethnic Origin Survey | Survey for Disabled Employees | CMS-284 Request for Release of Information | Form 1-9 Employment Eligibility Verification | CMS-163 Special Salary Request (*Needed if appt. or promotion is over 10% of last salary) | W-4 Cards | DP-1 Insurance Forms | Doctor's Statement | Training Certificate (*Mgmt. Pos.) | Prom. Grade/Pre-Audit | Documentation of Changes or Reason for Action | Proposed CMS-104 Job Description | CMS-130 Position Audit Questionnaire | Position Audit Analysis | SIGNATURES | EMPLOYEE SIGNATURE | RA/DCP MGR/SITE ADM/DIV OFF. CHIEF | DEPUTY DIRECTOR/EXEC. OFFICE CHIEF | DIRECTOR |
|--|---|----------------------------|---|---|---------------------------------|--------------------|----------------------|-------------------------------|--|--|---|-----------|----------------------|--------------------|------------------------------------|-----------------------|---|----------------------------------|--------------------------------------|-------------------------|------------|--------------------|------------------------------------|------------------------------------|----------|
| | I. VACANCY ACTIONS | | | | | | | | | | | | | | | | | | | | | | | | |
| Eligibility List | X | X | | | | | | | | | | | | | | | | | | | | | X | X | X |
| Temporary Permit | | | | | | | | | | | | | | | | | | | | | | | X | X | X |
| Emergency Hire | | | | | | | | | | | | | | | | | | | | | | | X | X | X |
| Direct Hire | | | | | | | | | | | | | | | | | | | | | | | X | X | X |
| Reinstatement | X | X | | | | | | | | | | | | | | | | | | | | | X | X | X |
| Provisional Permit | X | X | | | | | | | | | | | | | | | | | | | | | X | X | X |
| Statewide Posting | | X | | | | | | | | | | | | | | | | | | | | | X | X | X |
| II. EMPLOYEE ACTIONS | | | | | | | | | | | | | | | | | | | | | | | | | |
| Appointments | | | X | X | | X | X | X | X | X | * | 2 | X | | | | | | | | | | X | X | |
| Address Change | | | | | | | | | | | | 2 | | | | | | | | | | | | | |
| Discharge | | | | | X | | | | | | | | | | | | X | | | | | | X | X | X |
| Job Assignment | X | X | X | | | | | | | | | | | | | | | | | | | X | X | X | |
| Geographical Transfer Employee Requested | X | X | X | * | | | | | | | | | | | | | | | | | | X | X | X | X |
| Medical LOA | | | | | | | | | | | | | | X | | | | | | | | X | X | X | |
| LOA Extension | | | | | | | | | | | | | | X | | | | | | | | X | X | X | |
| LOA Expiration | | | | | | | | | | | | | | X | | | | | | | | X | X | X | |
| Other LOA | | | | | | | | | | | | | | | | | | | | | | X | X | X | |
| LOA Extension | | | | | | | | | | | | | | | | | | | | | | X | X | X | |
| LOA Return | | | | | | | | | | | | | | | | | | | | | | X | X | X | |
| Name Change | | | | | | | | | | | | 2 | | | | | | | | | | | | | |
| Promotion | X | X | X | X | X | | | | | | * | | | | * | X | | | | | | X | X | X | X |
| Voluntary Reduction | X | X | X | | | | | | | | | | | | | | | | | | | X | X | X | X |
| Separation/Resignation | | | | | | | | | | | | | | | | | | | | | | X | X | X | |
| Superior Perf. Increase | | | | | X | | | | | | | | | | | | | | | | | | X | X | X |
| Intra-Agency Transfer | X | X | X | * | | | | | | | | | | | | | | | | | | | X | X | |
| Inter-Agency Transfer | X | X | X | * | | | | | | | | | | | | | | | | | | X | X | X | X |
| Parallel Movement | X | X | X | X | X | | | | | | | | | | | X | | | | | | X | X | X | |
| Salary Adjustment | | | | X | | | | | | | X | | | | | | X | | | | | | X | X | X |
| Demotion | | | | X | X | | | | | | | | | | | | X | | | | | | X | X | X |
| Suspension More Than 30 Days | | | | | X | | | | | | | | | | | | X | | | | | | X | X | X |
| Suspension Pending Discharge | | | | | | | | | | | | | | | | | X | | | | | | X | X | X |
| III. POSITION ACTIONS | | | | | | | | | | | | | | | | | | | | | | | | | |
| Audit | | | | X | | | | | | | | | | | | | X | X | X | | | | X | X | |
| Establish | | | | | | | | | | | | | | | | | | X | | | | | X | X | X |
| Clarify | | | | | | | | | | | | | | | | | | X | | | | | X | X | X |
| Work County Change | | | | | | | | | | | | | | | | | | X | | | | | X | X | X |
| A/I Change | | | | | | | | | | | | | | | | | | X | | | | | X | X | X |
| Position # Change | | | | | | | | | | | | | | | | | | X | | | | | X | X | X |
| Abolish Position | | | | | | | | | | | | | | | | | | X | | | | | X | X | X |
| Increase PIN | | | | | | | | | | | | | | | | | | | | | | | X | X | X |
| Abolish PIN | | | | | | | | | | | | | | | | | | | | | | | X | X | |

4.2 Tuition Reimbursement

In accordance with the “State Tuition Reimbursement Policy,” any employee requesting tuition reimbursement must demonstrate that the proposed course of study is related to the employee’s position or will prepare the employee for advancement or promotion within the Department. Where funds are limited for tuition reimbursement, preference will be given to employees taking course work most directly related to their current responsibilities.

One course per semester or quarter will qualify for reimbursement at 80% tuition at state-supported schools. Reimbursement will be adjusted to reflect the state-supported school rate if the employee chooses to attend a private school.

The employee should submit a completed Application for Staff Development Grant (IL-418-705A) (Attachment 4.2a) to his/her supervisor for approval, and for the approval of the Field Service Administrator and the Director. A determination will be made as to whether the selected course work falls within the parameters of the employee’s current or anticipated job function(s). If funds allow, the application will be forwarded to the Office of Training and Development for processing.

Course work must be scheduled as an off-duty activity whenever possible. When desired courses are not offered during non-work hours, the Director may approve requests for flexible work schedules, provided workloads are not adversely affected.

An employee receiving tuition reimbursement will incur a work commitment to the Department. S/he will be obligated to continue working for the Department at least 18 months following completion of the most recent course. If an employee chooses to leave the agency voluntarily, before the work commitment is satisfied, s/he must repay all tuition reimbursement monies received for courses completed in the preceding 18 months.

Employees are responsible for notifying their supervisor after successfully completing each course and must provide a copy of the grade notice and the previously approved tuition reimbursement form (IL-418-705A) at that time.

CFS 705A
Rev 4/2000

Illinois Department of Children and Family Services

APPLICATION FOR STAFF DEVELOPMENT GRANT**Items 1 through 5 to be completed by applicant. Please type or print. See instructions on reverse****1. EMPLOYEE IDENTIFYING INFORMATION**

Employee Name _____ Social Security No. ____ - ____

Job Assignment _____ Classification _____ RC Unit or MC # _____

Division or Office _____ Region _____

Street _____

City _____ State IL Zip Code _____ Telephone (____) ____ - ____**2. TYPE OF REQUEST (Check One)** ☐ TIME OFF ONLY ☐ TIME OFF & EXPENSES ☐ EXPENSES ONLY
(Cook Region Only)**3. EVENT DESCRIPTION (NOTE: Program brochure must be attached to this application.)**

Title _____

Date(s) _____ Check Day(s) ☐ S ☐ M ☐ T ☐ W ☐ TH ☐ F ☐ S Time of Event _____

Total number of work hours needed to complete this event (including travel time) _____

Total hours in classroom _____ Is this a college credit course? (Check One) ☐ Yes ☐ No

If for college credit, what degree? _____

Event Sponsor _____

Mailing Address _____

Site of Event _____ Instructor _____

How will this event improve my DCFS job performance? _____

COSTS FOR WHICH I AM SEEKING REIMBURSEMENTTuition _____ Fees _____ Transportation _____ Lodging _____ Meals/Per Diem _____ Total \$ 00.00
+ tax

4. I certify that I am not receiving reimbursement or aid from other sources for any costs for which I am requesting reimbursement. I agree that I will repay IDCFS for any tuition monies received for credit courses completed in the 18 months preceding voluntary separation from IDCFS employment.

Applicant Signature _____ Date _____

FORWARD TO: The Regional Staff Development Coordinator VIA Your Supervisor or Administrator**5. Total Time-Off Approved** _____ hours from ____ / ____ / ____ to ____ / ____ / ____Recommended Grant Amount \$ _____ Is employee required to attend event? (Check One) ☐ Yes ☐ NoSupervisor's Signature _____ Date _____
(not needed if MSW)

Administrato's Signature _____ Date _____

(Regional Administrator, Cook Regional Administrator, Deputy Director, or Executive Office Chief)

6. Regional Staff Development Coordinator Approval for Payment from Regional Training FundsApproved for Payment ☐ No See reverse side—paragraph ☐ 5a ☐ 5b ☐ 5c ☐ 5d☐ Yes Percent _____ Funds Source _____

Approved for Tuition \$ _____ Approved for Travel/Other \$ _____ Total \$ _____

RSDC Signature _____ Date _____

ORIGINAL AND COPY TO REGIONAL STAFF DEVELOPMENT COORDINATOR

INSTRUCTIONS FOR COMPLETING DCFS FORM 705A

APPLICATION FOR STAFF DEVELOPMENT GRANT

Approval must be obtained 21 days before any event.

1. DCFS employees who wish to attend non-DCFS sponsored credit courses, non-credit courses, conferences, or workshops must complete Application CFS 705A (Rev. 4/2000). Administrative Procedure # 7 contains additional written procedures regarding DCFS training activities and application for a staff development grant.
2. Form 705A must be submitted and approved prior to employee participation in any training or educational activity which is sponsored by DCFS solely for its own employees; AND requires time away from work during the employee's normal working hours; AND/OR incurs expenses which are re-billed to DCFS.
3. Each employee may be granted up to 37.5 hours of time-off from work for educational events per calendar year (excluding training events and conferences sponsored by DCFS solely for in-service training of its employees).
4. Approval of 705A applications occur in the following order:
 - a) The 705A grant applications MUST be submitted to one's supervisor at least one month before the event is to occur.
 - b) The Regional Staff Development Coordinator (RSDC) must route all applications to the Training Institute via the regional administrator, deputy director, or executive office chief.
 - c) Applications for tuition reimbursement for Spring term credit courses must be received by March 1.
 - d) A copy of the brochure or college catalogue page, which describes the content of the event, must be attached to all applications when reimbursement is requested.
5. Denial of the request for funds shall be based upon one or more of the following reasons:
 - a) Regional funds are not available at this time;
 - b) Training request not job related;
 - c) Training request not related to recognized training needs of DCFS employees or to the DCFS training plan;
 - d) Equal opportunity for others requesting funds.
6. If out-of-state travel is required, a Request For Travel (Form IL 401-01-09) and a Request For Permission To Attend Out-Of-State Conference (Form CFS 721) must be submitted to the Director's Office at least six weeks prior to the first day of travel. Copies of these approvals must be attached to vouchers submitted for reimbursement.
7. Copies of the 705A application are to be routed as follows for approval:
 - a) One copy signed by the supervisor is to be retained by the applicant or supervisor;
 - b) Original and one (1) copy to be forwarded by the supervisor to the RSDC;
 - c) Original is to be forwarded by the RSDC to the DCFS Child Welfare Training Institute, Springfield
8. In the event that time-off only is requested (with no request for reimbursement), a copy of the completed form still MUST be submitted to the RSDC for purposes of record keeping.
9. If reimbursement is requested, a copy of the approved or disapproved application will be mailed to the employee. If the request for funds is approved, instructions for receiving reimbursement will be included.
10. Reimbursement of expenses will be made directly to the employee by state voucher following State of Illinois Travel Regulations and fiscal guidelines. Reimbursement will be made only upon satisfactory completion (a grade of "C" or more for credit courses; attendance at non-credit events) of the training event. Proof of attendance AND copies of receipts and checks will be required in all instances.
11. Direct vendor payments may be made upon approval from the RSDC. Direct vendor payments only will be paid after completion of the event; approval for direct payment must be secured from the RSDC prior to the event.
12. Recipients of Staff Development Grant for credit course tuition reimbursement who leave the employment of DCFS within 18 months of completion of the credit course will be required to reimburse the state of Illinois in the full amount of the grant.

PLEASE NOTE: Reimbursement cannot exceed the total amount requested on this form. Any expense incurred over this amount is your responsibility and cannot be paid from your office's Staff Development funds without additional 705A approval from your region.

4.3 Prohibition Against Discrimination

In accordance with the Illinois Human Rights Act and federal laws prohibiting discrimination, no employee shall be discriminated against on the basis of race, color, sex, religion, age, physical or mental handicap, national origin, ancestry, marital or parental status, sexual orientation, military status and unfavorable discharge from military service, arrest record, political affiliation, retaliation, or any other non-merit factors.

The Office of Affirmative Action is charged with the overall responsibility of assuring that the Department is in compliance with civil rights rules and regulations, and that the rights of all Department employees, applicants, clients, and service providers are protected against unlawful acts of discrimination.

Complaints of discrimination can be filed internally with the Office of Affirmative Action but must be filed within 300 days (10 months) from the date of the alleged unlawful discriminatory act. To file a complaint or obtain a "Discrimination Complaint Form" (CFS 766) (attachment 4.3a), employees may contact either:

| | | |
|------------------------------|---------------|--|
| Office of Affirmative Action | | Office of Affirmative Action |
| 406 East Monroe | OR | 100 West Randolph, 6 th Floor |
| Springfield, Illinois 62701 | | Chicago, Illinois 60601 |
| (217)524-1248 | (312)814-4692 | |

Complaints can also be filed externally with either the Illinois Department of Human Rights or the Equal Employment Opportunity Commission (EEOC). Charges must be filed with the Illinois Department of Human Rights within 180 days (6 months) from the date of the alleged unlawful discriminatory act. Complaint forms are available through the Illinois Department of Human Rights:

| | | |
|---------------------------------|---------------------|-----------------------------|
| James R. Thompson Center | OR | 222 South College, R-101A |
| 100 West Randolph, Suite 10-100 | | Springfield, Illinois 62704 |
| Chicago, Illinois 60601 | (217)785-5100 | |
| (312)814-6200 | (217)785-5125 (TDD) | |
| (800)662-3942 | | |
| (312)263-1579 (TDD) | | |

Charges must be filed with the EEOC within 300 days (10 months) from the date of the alleged unlawful discriminatory act. Complaint forms are available through the EEOC Office at 500 West Madison, Suite 2800, Chicago, Illinois 60601, (312)353-2421 (TTY).

or
406 E Monroe, 5th Fl
Springfield, IL 62701

1. Name _____
2. Address _____

(Work Location) (Home Address)
3. Telephone _____
(Work) (Home Telephone)
4. Job Title _____
(Payroll Title) (Unit)
5. Supervisor _____
(Name) (Phone)
6. Length of Time in Current Position _____
7. Date of Alleged Discriminatory Act(s) _____
8. Basis of Alleged Discriminatory Practice:
____ Race _____ Age _____ Disability
____ Color _____ Religion _____ Sexual Harassment
____ Sex _____ National Origin _____ Retaliation
____ Other _____ (Specify)
9. The alleged discrimination occurred relative to
____ Interview _____ Discipline
____ Hiring Selection _____ Layoff
____ Promotion _____ Other _____
(Specify)
10. The facts of the alleged discriminatory act(s) are as follows (Describe exactly what occurred and when Use additional sheets if necessary)

(Over)

- 11 Name, title, work location and telephone number of person(s) you believe discriminated against you.

| Name | Title | Location | Phone |
|------|-------|----------|-------|
|------|-------|----------|-------|

- 12 What specifically leads you to believe that the action(s) taken was/were based on your Race, Color, Sex, Age, Religion, National Origin, or Disability, or that it constitutes Sexual Harassment or Retaliation?

- 13 Do you have any specific evidence or documentation that supports your allegation(s)? (If yes, indicate the type of evidence Direct, Hearsay, Statistical, Comparative, etc., and provide copies, if feasible)

14. Identify and provide the name and telephone number of witnesses to each of the alleged discriminatory act(s)

- 15 Identify and provide Comparable Data, if applicable (Document Disparate Treatment and indicate how someone who is similarly situated as you, was treated more favorably than you).

16. Identify and provide copies of any applicable Rules, Regulations, Policies, Guidelines, etc., and indicate how they are applicable in this instance or were violated.

- 17 Have you made an effort to resolve this matter through your supervisor, the grievance procedure or other avenues? If yes, please explain and indicate the outcome of your efforts (Use additional sheets if necessary).

- 18 What specific relief are you seeking?

Please respond to all of the questions on this form and provide any additional documentation you may have.

Complainant's Signature

Date

Date Received by OAA

INSTRUCTIONS FOR FILING A DISCRIMINATION COMPLAINT
WITH THE
OFFICE OF AFFIRMATIVE ACTION

1. **Who Can file a Complaint?**

Any DCFS employee or applicant for employment, and any recipient of Department services or recipient of contractual services provided by Department service providers

2. **When Can a Discrimination Complaint be Filed?**

If you feel that you have been discriminated against because of your race, color, sex, religion, age, national origin, ancestry, disability, military discharge, or marital status in any terms, conditions, compensation or privileges of employment (i.e. promotion, termination etc.,) and you have tried unsuccessfully to resolve the problem with your supervisor, you can file a complaint with the Office of Affirmative Action. Complaints must be filed within 300 days of the alleged discriminatory act

3. **How to File a Complaint**

Complete the form and submit it to.

Office of Affirmative Action
100 West Randolph, Suite 6-100
Chicago, Illinois 60601

or

406 East Monroe Street, Sta. #55
Springfield, Illinois 62701

4. **What Happens After the Complaint is Filed?**

The Office of Affirmative Action will conduct an internal investigation and make a recommendation within 30 work days, whenever possible, to the agency Director or designee, and other appropriate management personnel regarding whether there is substantial evidence to support the charge. If there is substantial evidence finding, conciliation will be recommended. If there is a lack of substantial evidence finding, conciliation will not be recommended. The complainant will be notified of the results of the investigation, and if he/she is not satisfied, a complaint can be filed with an outside agency such as.

Illinois Department of Human Rights
100 West Randolph, Suite 10-100
Chicago, Illinois 60601
(312) 814-6200

U S Equal Employment Opportunity Commission
500 West Madison, 28th Floor
Chicago, Illinois 60661
(312) 353-2713

Illinois Department of Human Rights
222 College Street
Springfield, Illinois 62701
(217) 785-5100

U S. Equal Employment Opportunity Commission
1222 Spruce Street, Room 8-100
St. Louis, Missouri 63103
(314) 539-7800

4.4 Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) provides a clear and comprehensive national mandate to end discrimination and unequal treatment of people with disabilities, provides enforceable standards that address such discrimination, and affords economic opportunity to people with disabilities.

Those protected from discrimination under the ADA are:

1. Individuals who have a physical or mental impairment that significantly limits one or more major life activity. Major life activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing and working.
2. Individuals who have a history of, or who were misclassified as having, an impairment which limited a major life activity. Examples include individuals who have recovered from a heart attack, cancer, back injury, or mental illness or even those misclassified as having mental retardation or mental illness.
3. Individuals who are perceived or regarded as having a disability. By this, ADA extends protection to individuals erroneously viewed or treated as having a physical or mental impairment that substantially limits one or more major life activities. Examples include those badly burned or disfigured, or individuals with non-disabling conditions that create the perception of “future” disability, and who are perceived as unable to work in a position involving public contact because of concerns about negative reactions.

Reasonable Accommodation

A reasonable accommodation may be requested if an employee is suffering from a permanent or temporary disability that impairs his/her ability to function in the work place. The employee may request a modification of his/her work environment, work responsibilities, work schedule, etc., in order to continue gainful employment with the Department. Any modification made by the Department, in this case, is considered to be a “reasonable accommodation.”

Reasonable accommodations must be requested in writing through the Department’s ADA Coordinator, Office of Affirmative Action, using an ADA Request for Reasonable Accommodation (attachment 4.4a) for approval.

**EMPLOYEE/APPLICANT
REQUEST FOR REASONABLE ACCOMMODATION**

Attachment 4.4a

Name _____ Payroll Title _____

Work Location _____ Social Security # _____

Phone Number _____
(Work) _____ (Home) _____

Type of Disability _____

Description of Type of Accommodation Requested _____

(include all relevant medical documentation and attach an additional sheet if necessary)

Acceptable Alternatives for Accommodation _____

(Attach additional sheet if necessary)

1. Which essential function(s) of your job will the accommodation allow you to perform? _____

2. Why is the accommodation necessary to perform this essential job function(s)? _____

3. For assistance: Indicate frequency of use: _____

4. For technological devices: Indicate compatibility with existing equipment: _____

Complete and forward to immediate supervisor and ADA Coordinator. Unauthorized or disallowed costs/
services are the responsibility of the employee.

Applicant/Employee Signature _____

Date _____

SUBMIT FORM TO:
ADA Coordinator
100 West Randolph
6th Floor
Chicago, IL 60601

— over —

Reasonable Accommodation Approval Process Form

REASONABLE ACCOMMODATION APPROVAL PROCESS FORM

(Each level has 10 working days to resolve the request or submit it to the next level.)

1st Level Recommendation (Immediate Supervisor)

- ☐ Accommodation Approved
- ☐ Accommodation Approved With Modification(s)
- ☐ Accommodation Not Approved
- ☐ Additional Information Needed

(Explain Reasons for Your Recommendation) _____

Supervisor Signature

Date

2nd Level Recommendation (Regional Administrator/Division Manager)

- ☐ Accommodation Approved
- ☐ Accommodation Approved With Modification(s)
- ☐ Accommodation Not Approved
- ☐ Additional Information Needed

(Explain Reasons for Your Recommendation) _____

Regional Administrator/Division Manager

Date

3rd Level Recommendation (ADA Coordinator)

- ☐ Accommodation Approved
- ☐ Accommodation Approved With Modification(s)
- ☐ Accommodation Not Approved
- ☐ Additional Information Needed

(Explain Reasons for Your Recommendation) _____

ADA Coordinator

Date

4th Level Decision (Director)

- ☐ Accommodation Approved
- ☐ Accommodation Approved With Modification(s)
- ☐ Accommodation Not Approved
- ☐ Additional Information Needed

(Comments) _____

Director

Date

4.5 Employee Assistance Programs

Employee Assistance Programs (EAP) are **strictly confidential** and were established by the State of Illinois to provide professional assistance to employees and their dependents with emotional, substance abuse, financial, family, marital, or other personal problems, which affect job performance. EAP has proven to be an effective resource when problems are detected early and employees are referred to the appropriate source of care as soon as possible. Employees can refer themselves to the appropriate program listed below.

Employees can also be referred by their supervisor. The acceptance of a referral does not, in and of itself, jeopardize an employee's job. The important thing for an employee to remember is that if a problem does exist, the programs are there to help.

The primary goal of these programs is to provide help to an employee so that job performance problems can be prevented or corrected. Referral to a program in no way exempts an employee from progressive discipline for less than acceptable job performance.

All AFSCME-represented employees and their dependents covered by a state health insurance plan are eligible for professional, confidential and free services when provided by AFSCME's **Personal Support Program (PSP)** staff. AFSCME encourages all AFSCME-represented employees to utilize this program.

- Call **1-800-647-8776**
- TDD/TTY **1-800-526-0844**

All other non AFSCME-represented employees seeking assistance with life's issues and transitions may access the confidential **Employee Assistance Program (EAP)** 24 hours a day, seven days a week.

- Call **1-866-659-3848**
- TDD/TTY **1-800-526-0844**

4.6 Workers' Compensation

State employees are covered by the Workers' Compensation and Occupational Disease Acts which provide benefits to employees who are injured or become ill as a direct result of their state employment. These benefits may include payment for medical treatment, hospital and/or surgical services related to the injury.

In case of an injury, an employee must call the CARESYS Injury Hotline at 1-800-773-3221 to report the incident. A medical staff member will take an initial injury report to assess the nature and severity of the injury. This contact will assist the employee and the Department by providing early case management and appropriate treatment. The employee is also responsible for immediate notification of his/her supervisor. Failure to report the incident and notify the supervisor may result in disciplinary action. The Illinois Workers' Compensation Act requires an employee to notify his/her employer within 45 days to protect his/her rights under the Act. Employees can obtain the Workers' Compensation packet from the Payroll Office:

DCFS
406
Station
Springfield,
(217)524-2351

Payroll Office
East Monroe Street
#408
Illinois 62701-1498

The completed packet must be mailed to the Payroll Office as soon as possible. Delays in returning the forms will result in delayed bill payment and delayed temporary total disability benefits (if eligible).

The Department of Central Management Services (CMS) Risk Management Division is responsible for determination of compensability on all claims submitted as "work-related" incidents. Until CMS determines the incident to be service-connected, the employee may be placed on non-service connected leave of absence. Once the incident is determined to be service-connected, a correction may be made.

An employee who suffers an on-the-job injury/disease may be eligible to receive up to five (5) days off at full pay to recuperate once the claim is approved. In order to receive these days, the employee must provide documentation of medical necessity from his/her treating physician. This service-connected time off must be used to cover the first five work days following the incident.

4.6 Workers' Compensation (cont'd)

For absences requiring more than five (5) days off the payroll, employees have two (2) options available once the claim is approved:

Option #1

Employees may utilize their own benefit time (sick, vacation, personal, accumulated holiday, or comp time). This would allow the employee to remain on payroll and receive 100% of their normal salary.

Option #2

Employees with serious injuries requiring extended time off for recovery and/or surgery may be eligible for temporary total disability benefits (TTD) through Risk Management once the claim is approved. The employee must be placed on a service-connected leave of absence (removed from payroll) by providing a CFS-700 form and doctors statement (CMS-95) to the Personnel Office. Upon placement on leave, the employee will be eligible to receive 66 2/3% of his/her average weekly wage based on the employee's straight-time earnings for the 52 weeks worked in the year immediately preceding the date of injury.

In the event of an injury/illness, employees are encouraged to contact the Payroll Office (217) 524-2351 to discuss available options.

4.7 Payroll Periods/Pay Dates

DCFS operates on a semi-monthly payroll system which pays employees twice each month (24 pay periods each year). Each payroll period consists of either the first half of the month (1st through the 15th) or the second half of the month (16th through the end of the month).

Paydays for DCFS employees are the 13th and 28th of each month, unless that date falls on a weekend or holiday, in which case employees are then paid on the last work day before that date. DCFS is operated on a two-week delay payroll, which means, for example, an employee who works the first pay period, or first half of the month, will receive payment for those services on the 28th of the month, not the 13th. In addition, there will be no early release of employee paychecks for any reason.

Direct Deposit

DCFS employees upon appointment are expected to utilize Payroll Direct Deposit and have the option of having their payroll check(s) deposited directly into either their checking or savings account with a financial institution participating with the state. An employee can obtain a direct deposit form from the Payroll Office or personnel liaison.

Initiation of direct deposit takes two (2) full pay periods. Payroll monies are transferred electronically by the Illinois Office of the Comptroller (IOC) to the employee's account on the employee's pay dates each month. **It is recommended that employees verify with their banking institution as to when these deposits are posted to their accounts.** Employee earning statements are posted on the Department's Intranet site containing all of the information contained on their earning statement.

It is incumbent upon the employee to notify the payroll office of any changes in account numbers, routing numbers or cancellation of direct deposit if the change is initiated by the employee. If the banking institution makes the change, a detailed report will be sent by the IOC to the payroll office to make the required changes in the payroll system. When any of the aforementioned instances occur the employee will receive a hard copy paycheck until such time as the IOC receives final confirmation from the financial institution.

4.7 Payroll Periods/Pay Dates (cont'd)

Compensation

Compensation matters for AFSCME and INA covered bargaining unit employees are negotiated and maintained within the each bargaining agreement. Compensation matters for non-bargaining unit employees are maintained within the CMS Personnel Rules and CMS Pay Plan. Questions can be referred to the Payroll Office at (217)524-2351.

Travel Reimbursement

It is the policy of the Department to reimburse employees for reasonable authorized expenses incurred by them in the performance of their duties in accordance with Administrative Procedure # 12, Travel Guide. Travel payments are mailed directly to the employee's home address. Questions can be referred to the Travel Coordinator at (217)785-2568.

4.8 Payroll Deductions

Employees are expected to meet all just financial obligations, including tax obligations to federal, state and local governments. Employees will have the appropriately calculated amount of federal tax, state tax and FICA (retirement) deducted from each paycheck. For tax purposes, federal and state taxes are determined by the employees' completion of W-4 cards. Employees can change their exemptions at any time and should contact their tax consultant with questions about those exemptions. FICA will be deducted at the current rate set by the federal government.

Miscellaneous Deductions

Employees can elect to have deductions taken for a wide variety of insurance companies, banks and credit unions. An employee wishing to have deductions directly taken from his/her pay each period to pay outside lenders/creditors, should contact the particular institution.

Savings Bonds

Series EE savings bonds are available through payroll deduction. The employee determines the amount to be deducted each pay period, and bonds are then mailed to the home address of the employee. Employees have the choice of several denominations and beneficiary or co-worker options. Bonds may also be used for savings toward educational costs. Bond brochures and deductions cards are available in the Payroll Office.

Union Dues and Deductions

Employees may request individually any or all of the following deductions:

- a) Union membership dues, assessments, or fees;
- b) Union sponsored credit union contributions;
- c) P.E.O.P.L.E. contributions

When an employee has authorized payroll deductions for Union membership, the wage stub will state "Union dues" and the amount of deduction. If the employee has not authorized payroll deductions for Union membership, the wage stub will state "non mbr fees" and the amount of deduction.

Any time an authorized deduction would otherwise be discontinued without the employee's specific authorization, the Employer shall notify the employee and shall provide the employee with the necessary cards and/or forms needed to continue said deduction.

4.8 Payroll Deductions (cont'd)

Garnishments

The Department is subject to the garnishment laws of Illinois as administered by the Office of the Comptroller. Employee wages may be garnished up to the amount of 15% of their gross wages. Wage Deduction Summons (garnishments) are issued by the respective circuit court of Illinois and will be honored immediately upon receipt. Employees are notified of the garnishment by direct mail of a copy of the summons being sent to the home address on file with the Department.

IRS Tax Levies

IRS tax levies are forwarded to the employee's home address as well for completion of the exemptions the employee wishes to claim. The IRS can deduct up to 25% of the gross salary for delinquent tax payment.

The state allows employees with state-owed debts to have voluntary deductions from their paychecks. The employee is responsible for contacting the agency and setting a payment schedule before contacting the Payroll Office. Forms for these deductions can be obtained from payroll. Examples of payments are: Illinois Student Assistance Commission; Department of Public Aid; Department of Revenue; Department of Employment Security; and any state university.

Child Support

Child support payments filed by either the circuit court or the Department of Public Aid (DPA) will also be deducted by payroll warrants. These payments will be mailed directly to the court, DPA or the individual payee.

Bankruptcy

Bankruptcy payments to trustees are another option for employees to pay off debts. The trustee must provide the Payroll Office with a signed form detailing the repayment amount and total debt.

4.8 Payroll Deductions (cont'd)

Involuntary Withholding

The Department honors employee-owed debts to other state agencies by involuntary withholding. DCFS Employees who have debts to other state agencies are susceptible to having their payroll warrants pulled and involuntary deductions made from those wages. The warrant is then rewritten with the amount removed and forwarded to the employee several days after the scheduled payday.

Employees who owe other state agencies are responsible for setting up a repayment plan with the owed agency; this can be done by payroll deduction. The form for State Owed Payments (attachment 4.8a) is available in the Payroll Office.

Involuntary Withholding/State-Owed Payments

State and federal agencies have the right to make involuntary withholding deductions from state employee payroll warrants before the warrants are issued to the employee if there is a delinquent debt owing. These agencies may file a withholding order with the State Comptroller's Office to deduct 25% of the gross wages from an individual's paycheck. After the withholding is made, the employee will receive the remaining portion of the check two (2) to three (3) days after the scheduled payday. In order to prevent involuntary withholding from occurring, employees are encouraged to participate in a voluntary repayment plan available through the agency Payroll Office. Employees must contact the agency to which repayment is due to arrange an acceptable payment agreement. Upon the agreement, employees should contact the DCFS Payroll Office to begin repayment deductions. Deductions will be made semi-monthly and will be forwarded to the appropriate agency. Qualifying deductions may include the following: Department of Public Aid, Department of Revenue, Internal Revenue Service, Department of Employment Security, court-ordered child support, bankruptcy, Illinois Student Assistance Commission, federal student loans, state university loan repayments, etc.

Deductions cannot be made to or for the following: loan companies, bank loans, lawyer fees, etc.

VOLUNTARY DEDUCTION FOR STATE OWED PAYMENTS

Attachment 4.8a

This form will allow you the employee to set up automatic payments to be deducted from your pay check and mailed directly to another State Agency or to an option listed below. Please complete a separate form for each payment;

_____ State Agency payment - (example: Public Aid, Student Assistance Comm., etc.)

_____ An Illinois State University - (example: Univ. of Illinois, Western Univ., etc.)

_____ A Federal Agency - (example: IRS, US Dept. Of Education, etc.)

_____ Bankruptcy Payments to Trustee - (example: Jack McCullough, Craig Phelps, etc.)

_____ Child Support Payments

ALL BLANKS MUST BE COMPLETED

Name and complete address where payments are to be sent:

Amount to be deducted per pay period: _____ (We are paid semi-monthly)

Total amount owed: _____

Employee Name: _____ SS#: _____

Signature: _____ Paycode: 16- _____

Date: _____

To avoid delays in starting your payments, please complete all spaces and mail directly to:

Department of Children and Family Services
406 E. Monroe - Station 408
Springfield, IL 62701-1498

Failure to complete this form may result in your paychecks being withheld by the party that you owe. Completion of this form will not automatically stop the withholding of your check. It is the employees responsibility to contact the party to whom the monies are owed to verify a payment plan and amount.

The Department of Children and Family Services is only authorized to deducted the amount stated in the 'total amount owed' field. It is the responsibility of the employee to keep track of the total amount owed and the accruing interest if applicable. You may submit a change in the amount owed by completing a new form.

4.9 Sick Leave Bank

A Sick Leave Bank has been established to benefit employees (either themselves or members of their immediate family) who encounter catastrophic or severe illness or injury. For purposes of definition, the “immediate family or household” shall be husband, wife, mother, father, brother, sister, children, or any relative or person living in the employee’s household for whom the employee has custodial responsibility or where such person is financially and emotionally dependent on the employee and where the presence of the employee is needed.

The Sick Leave Bank is not a source of sick days to be used whenever an employee exhausts available sick time. The intent of the bank is to benefit employees who need the additional sick time due to a catastrophic or severe illness or injury.

Full-time employees with a minimum of six (6) months of service and a minimum of five (5) days of accumulated sick time on the books can enroll voluntarily in the Sick Leave Bank. To enroll, employees must complete a Sick Leave Bank application (attachment 4.9a) and submit it to their agency personnel officer. Employees participating in the bank must donate at least one (1) day of sick leave; however, additional days may be donated as desired. Employees must wait 60 calendar days after enrollment before utilizing the Sick Leave Bank. Employees may request up to 25 work days from the Sick Leave Bank per calendar year.

Donated sick leave time contributed to the pool becomes the property of the state and may not be withdrawn, targeted for specific individuals, returned to an employee upon separation or retirement, or become part of the employee’s estate upon his/her death.

Donated sick leave time will not be counted as “sick time used” during the course of a calendar year; therefore, donating to the Sick Leave Bank will not jeopardize an employee’s eligibility to earn an additional personal day the following calendar year if no sick time is used during the current year.

State of Illinois Employee Sick Leave Bank Membership Application

Instructions: Employee applicants should keep the yellow copy of this completed form for their records and submit the original to their agency personnel officer.

| | |
|-------------------------|---------------------------------|
| _____ Name | _____ Social Security Number |
| _____ Agency | |
| _____ Agency Address | _____ Work Phone |
| _____ Home Address | _____ Home Phone |

_____ Number of Sick Days Currently Held _____ Number of Sick Days to be Deposited

By my signature I declare that I have been employed full-time for six months or more by the state of Illinois.

| | |
|-----------------------------|---------------|
| _____ Employee Signature | _____ Date |
|-----------------------------|---------------|

I certify that this employee has sufficient accumulated sick leave to make a deposit. Also this agency's timekeeper has deducted the appropriate number of days (noted above) from the employee's sick leave record.

| | |
|--------------------------------------|---------------|
| _____ Personnel Officer Signature | _____ Date |
|--------------------------------------|---------------|

Request to the agency Sick Leave Bank for membership.

☐ Approved ☐ Denied

4.10 Employee Health/Dental/Life Insurance

The State of Illinois provides a group insurance plan administered through the Department of Central Management Services for all certified employees, as well as those in probationary or provisional status. Student Workers are eligible after six-months service. Employees in temporary or emergency status are not eligible for coverage through this program. The group insurance plan is comprehensive and provides employees with many choices for their health, dental and life insurance coverages. Employees are able to choose the health, dental and life coverage that best suits their needs and the need of their families. The State of Illinois' Group Insurance Program is outlined and detailed in the Member Benefit Handbook printed by the Department of Central Management Services.

A. Dental Plan

Quality Care Dental Plan

Dependents must be on an employee's health plan in order to be qualified for the dental plan. The Quality Care Dental Plan allows employees to go to any dentist they choose. This plan has a dental premium which is deducted from each paycheck and a yearly deductible per individual. Rates will vary depending on the number of dependents covered and may change each fiscal year. Consult the Member Benefit Handbook for current rates.

B. Health Insurance Plans

State of Illinois employees can choose a health and dental plan from the many options available to them through the group insurance program. This program offers employees the choice of several Managed Care plans and the State Quality Care Plan. Employees can also refuse health/dental/vision coverage with proof of non-state coverage. As each company administers its plans differently, employees should consult the Member Benefit Handbook for more detailed information.

Managed Care Health Plans

Managed Care plans require an employee to choose a primary care physician or a medical clinic which will be used exclusively for services unless an employee is referred by the primary care physician to a specialist. The chosen doctor or clinic must be listed on the Benefits Choice Election form. Forms cannot be processed without this information. Medical claim forms are not required. Employees are encouraged to review individual managed care plan websites for each company

4.10 Employee Health/Dental/Life Insurance (Cont'd)

Managed Care Health Plans (cont'd)

for information on prescription plans, co-payments and coverage limitations. The Member Benefit Handbook also contains more detailed information on the Managed Care plans available in an employee's service area and on individual plan rates.

Quality Care Health Plan

This plan is not a Managed Care plan. Covered services, limitations, plan stipulations, exclusions, and rates are covered extensively in the Member Benefit Handbook. Employees who enroll in this plan are not required to choose a primary care physician and may also self-refer to any medical specialist. There are no physician listings from which to choose. However, a listing of Preferred Provider Organization (PPO) hospitals throughout the state is available or through the Benefits website on the D-Net.

Life Insurance

DCFS employees who are eligible for state health/dental insurance benefits are also eligible for life insurance benefits. The life insurance program offers several options for coverage which are outlined in the Member Benefit Handbook and detailed in the State of Illinois Group Life Insurance Program Handbook.

Basic Life

The State of Illinois provides and purchases a term life insurance policy, the State Basic Life Plan, for each eligible employee in the amount of the employee's current year annual salary. Employees pay no premium for this benefit.

Optional Life

Employees wishing to obtain more than the provided State Basic Life coverage are allowed to purchase incrementally optional life insurance up to eight (8) times the current annual salary. Rates for term life are based on employees' age and salary and will automatically adjust on birthdates and dates of salary increases. The following is an example of available optional life:

\$30,000 per year salary. The employee may purchase:

4.10 Employee Health/Dental/Life Insurance (Cont'd)

Optional Life (cont'd)

| | |
|----------------|----------------|
| 1x = \$30,000 | 5x = \$150,000 |
| 2x = \$60,000 | 6x = \$180,000 |
| 3x = \$90,000 | 7x = \$210,000 |
| 4x = \$120,000 | 8x = \$240,000 |

Note: The State Basic Life benefit is also applicable.

Accidental Death & Dismemberment (AD&D)

AD&D is another form of optional life insurance. The purchase of this coverage has two different facets. If the AD&D option is chosen, any optional life coverage would double in amount if the employee is killed in an accident. The second facet of this plan provides specific payouts for dismemberments. Consult the Member Benefit Handbook or the Life Insurance Program Booklet for details.

Spouse Life

Spouse life coverage is available for an employee's current spouse. This policy provides a flat coverage amount and rates may vary per fiscal year.

Child Life

Child life coverage is available for children 18 years of age or younger (there are exceptions for full-time college students up to the age of 22 years). The policy amount is \$10,000 for each eligible child and covers all current children and any future children. The rate may vary with each fiscal year.

Vision Service Plan

This plan is totally employer paid. Members can receive, at network providers, eye exams, frames, and lenses with a co-payment. Eye exams are available every 12 months, frames and lenses every 24 months, and covers all members and dependents under Health and Dental plans. Consult the Member Benefit Handbook for details.

4.10 Employee Health/Dental/Life Insurance (cont'd)BENEFIT CHOICE PERIOD

The Benefit Choice Period is offered once each year for employees to make changes to their health/dental or life plans. This change period runs May 1 through May 31 each year, unless otherwise identified. The changes elected during this period are effective July 1 of the current year and remain in effect through June 30 of the following year.

During the year, employees are allowed to make changes in their insurance coverage when a qualifying change in family status occurs. A change in family status may include newborns, marriage, divorce, adoption, custody, loss or gain of spouse's employment or movement between service areas.

Forms and information regarding health, dental or life insurance benefits are available through the agency Payroll Office at (217) 524-2351.

Tuberculosis Test and Hepatitis B Vaccination Participation

The Department has a program to provide Tuberculosis (TB) testing and Hepatitis B vaccinations free of charge to all active DCFS employees provided they use a vendor that is contracted through Central Management Services. Employees may contact their designated personnel liaison to obtain an up-to-date vendor list. This program is only intended for DCFS employees. Retirees or contractual employees, e.g., foster parents, advocates, etc., are not eligible to participate. Employees must use a vendor closest to and/or within their headquarters city. If employees use their primary care physician or a provider not identified on a vendor list, they will be held responsible for payment. X-rays for TB are not covered under this program.

Attached are the Hepatitis B and TB Program Operational Guidelines (attachment 4.10a), the Hepatitis B Vaccination Time Off Request Form (attachment 4.10b) and the Tuberculosis Test Time Off Request Form (attachment 4.10c).

In order to receive services and verify employment with the Department, employees are required to present to the vendor their DCFS-issued photo identification card. The DCFS employee photo ID card is the ONLY acceptable form of identification for this program.

TB tests/readings and Hepatitis B vaccinations (two shots and one booster shot) will be administered during the vendors normal business hours and by

4.10 Employee Health/Dental/Life Insurance (cont'd)

Tuberculosis Test and Hepatitis B Vaccination Participation (cont'd)

appointment only, unless otherwise specified by the vendor. It is recommended that the first and second Hepatitis B vaccinations be spaced approximately 30 to 60 days apart and the booster shot approximately 60 to 90 days after the second shot (or within the recommended time frames of the provider).

Participation in this program is voluntary and employees are allowed time off to participate during work hours with no loss of pay. Employees are responsible for scheduling the appointment(s) with the vendor and must receive prior approval from their supervisor for the amount of necessary time off. Approval will be granted in accordance with operating needs. After the supervisor approves and signs, the employee is responsible for distributing the TB and/or Hepatitis B Time Off Request Form(s) to designated individuals. Timekeepers should code the agency-paid time off for this program as OA.

HEPATITIS B and TB PROGRAM OPERATIONAL GUIDELINES

MANAGEMENT RESPONSIBILITY

1. Tuberculosis (TB) tests and a series of Hepatitis B vaccinations will be provided free of charge to all active DCFS employees (not including employees on contract) who request them.
2. Participation in the program is voluntary, and employees are allowed time off to participate during work hours with no loss of pay. Time off to receive vaccinations and/or testing must be scheduled by the employee and pre-approved by the employee's supervisor, in accordance with operating needs.
3. Each Office/Division Personnel Liaison will serve as the Coordinator for this program within his/her respective region. The Coordinator will act as the contact person for new employee testing/vaccinations as part of employee orientation and will work with vendors, when necessary, to confirm verification of employee participation.
4. Supervisors will be responsible for sending participant information to their local Coordinator at least once each month. It is recommended that such information be forwarded on a weekly basis until the program is well-established and the first employee participants have completed their series of vaccinations.
5. The Coordinator for each office will maintain a confidential record of employee participation in the program.
6. In the event an employee tests positive to Hepatitis B and/or TB, the Supervisor should then inform the Regional Administrator and the Office of Employee Services.

EMPLOYEE RESPONSIBILITY

1. Participation in the program is voluntary, and employees are allowed time off to participate during work hours with no loss of pay. Employees will be responsible for scheduling appointments with vendors at least one week in advance and obtaining prior approval from their supervisor. (Participation will not preclude an employee from filing for Worker's Compensation in the event of exposure to infection.)
2. Although participation is allowed during work hours, employees are responsible for utilizing the program in the most expeditious manner so as to minimize the amount of time spent away from work.
3. Employees must use the listed vendor (see attached) closest to and/or within the employees' headquarters city.
4. Employees must present their DCFS photo identification card to the vendor to verify employment with Department.

5. Employees should schedule the first and second Hepatitis B vaccinations approximately 30 to 60 days apart and the "booster" shot approximately 60 to 90 days after the second shot. It is important that employees let the recommended time period elapse between vaccinations in order to develop immunity.
6. Employees who receive the first of the Hepatitis B vaccinations are committed to completing the series within the recommended time frames.
7. Employees should have a TB test "read" in accordance with the vendor's directions and time frames. In the event of a positive TB test result, the employee must immediately inform his/her supervisor. Any follow-up medical tests, chest x-rays, examinations, etc., are at the expense of the employee through the employee's designated primary insurance provider.
8. Annual TB testing is normally sufficient unless an employee comes into contact with an infected person with "active" TB. In this case, such employees should immediately notify their supervisor and their local Coordinator so testing can be arranged.
9. Employees must schedule follow-up visits in a timely manner with pre-approval as noted in #1 above.
10. Employees will be responsible for providing proof of participation to their supervisor.

VENDOR RESPONSIBILITY

1. Tuberculosis tests/readings and Hepatitis B vaccinations will be administered during the vendors' normal business hours, Monday through Friday, by appointment only, unless otherwise specified by a vendor.
2. Vendors will document and maintain the names and Social Security numbers of participating DCFS employees and send that information at least once each month to the local Coordinator for verification.

**HEPATITIS B VACCINATION
TIME OFF REQUEST FORM**

Attachment 4.10b

I request to receive the Hepatitis B vaccinations and understand that I am committed to completing the series within the recommended time frames. I recognize that my participation is voluntary and that the Department is not liable for any reaction(s) or side affect(s) that may be caused by the vaccinations.

EMPLOYEE NAME: _____ SS# _____

Date of 1st Injection: _____ Vendor: _____

Date & Time of Appointment: _____

Total Time Off: ____ : ____ (Enter "OA" for agency-paid time off for Hepatitis B vaccination.)
HR MIN

| | | | |
|--------------------------|------------|-----------------------------------|---------------------------------|
| Employee Signature _____ | Date _____ | Supervisor's Signature _____ | Date _____ |
| | | Approved <input type="checkbox"/> | Denied <input type="checkbox"/> |

State reason if denied: _____

Date of 2nd Injection: _____ Vendor: _____
(It is recommended the 2nd injection be taken approximately 30 days after the 1st injection or within the time frames recommended by the provider.)

Date & Time of Appointment: _____

Total Time Off: ____ : ____ (Enter "OA" for agency-paid time off for Hepatitis B vaccination.)
HR MIN

| | | | |
|--------------------------|------------|-----------------------------------|---------------------------------|
| Employee Signature _____ | Date _____ | Supervisor's Signature _____ | Date _____ |
| | | Approved <input type="checkbox"/> | Denied <input type="checkbox"/> |

State reason if denied: _____

Date of 3rd Injection: _____ Vendor: _____
(It is recommended the 3rd injection be taken approximately 60 to 90 days after the 2nd injection or within the time frames recommended by the provider.)

Date & Time of Appointment: _____

Total Time Off: ____ : ____ (Enter "OA" for agency-paid time off for Hepatitis B vaccination.)
HR MIN

| | | | |
|--------------------------|------------|-----------------------------------|---------------------------------|
| Employee Signature _____ | Date _____ | Supervisor's Signature _____ | Date _____ |
| | | Approved <input type="checkbox"/> | Denied <input type="checkbox"/> |

State reason if denied: _____

A copy of the Hepatitis B immunization card (received from the vendor) MUST be given to the supervisor and a copy forwarded to the Personnel Liaison after each vaccination.

(Note: It is the employee's responsibility to distribute this form after each approved time off.)

Original to the Supervisor (responsible for keeping the original until the Hepatitis B series is completed)
Copies to: Employee
Timekeeper
Personnel Liaison

TUBERCULOSIS TEST
TIME OFF REQUEST FORM

EMPLOYEE NAME: _____ SS# _____

Date of TB Test _____ Time of TB Test _____

Total Time Off: _____ : _____ (Enter "OA" for agency-paid time off for TB test.)
HR MIN

Vendor: _____

| | | | |
|--------------------------|------------|-----------------------------------|---------------------------------|
| Employee Signature _____ | Date _____ | Supervisor's Signature _____ | Date _____ |
| | | Approved <input type="checkbox"/> | Denied <input type="checkbox"/> |

State reason if denied: _____

Results: Positive: _____ , Negative: _____

A copy of the employee's TB test result receipt (provided by the Vendor) MUST be given to the Supervisor and a copy forwarded to the Personnel Liaison.

(Note: It is the employee's responsibility to distribute this form)

Original to Supervisor

Copies to: Employee

Timekeeper (Enter "OA" for agency-paid time off for TB Test)

Personnel Liaison

4.11 Deferred Compensation Program

The state offers a diversified deferred compensation program as a supplemental retirement savings plan. It is a convenient way to build retirement savings while enjoying tax breaks now. Employees may request a deferred compensation booklet from the Payroll Office to obtain detailed information about participation in the plan and the companies involved. A complete prospectus of each company is included in the package for review and information. Employees then choose where and how much to invest. Contributions can be as low as \$10.00 per pay period. However, the maximum yearly deferral amount has been increased and may change each calendar year. Please refer to your quarterly statements issued by T. Rowe Price or contact CMS Deferred Compensation or the Payroll Office for the amounts. Employees over 50 can also deduct additional amounts. Completed enrollment forms should be forwarded to the Payroll Office to begin deductions.

4.12 State Employee's Retirement System

All certified employees are eligible for membership in the State Employee's Retirement System (SERS) and new employees are eligible upon completion of their original six (6) month probationary period.

Membership

Upon completion of the six (6) month probationary period, new employees will receive the SERS "Rights and Responsibilities" booklets as well as beneficiary designation forms and information regarding optional purchase of the qualifying period. Employees are encouraged to read this information carefully and make the decision that is best for their personal retirement plan. Employees have the option to purchase the probationary period time and can contact the Payroll Office for the appropriate form.

Disability Benefits

After 18 months of credited state service, employees may be eligible to receive medical disability benefits through the Retirement System should the need arise. After notifying the agency Personnel Office of an impending medical leave of absence, employees must notify SERS directly to request an application for disability. Information and forms will be forwarded to the employee for completion. Employees may contact the State Employees' Retirement System (SERS) to determine if their disability is eligible for purchase of service credits.

Pension

Employees are eligible for pension benefits in the following instances:

Upon termination of state service, a member is eligible for a pension at age 60 with at least eight years of pension credit; at any age if the member's age plus service credit equals 85 years; between ages 55 and 60 with 25 to 30 years of credit with the pension reduced by one-half of 1% for each month the member is under age 60.

Workshops

Retirement workshops are another benefit provided by the Retirement System. Three types of workshops are offered based on an individual's age and approximate retirement date. These informative seminars are offered free of

4.12 State Employee's Retirement System (Cont'd)Workshops (cont'd)

charge and employees are allowed to utilize state time in order to attend each of the workshops once in the course of their employment. Schedules for these workshops are printed in the SERS employee bulletin each August. Reservation forms for these workshops are available from the Payroll Office.

Employees with previous state service or credit with a reciprocal retirement system should contact the State Employees' Retirement System (SERS) to establish correct pension credits.

4.13 Family and Medical Leave Act

If you have been employed by the State for at least twelve (12) months and you have worked at least 1,250 hours during the 12-month period preceding the start of the leave, you are eligible for up to a total of twelve (12) workweeks of unpaid leave during any rolling twelve (12) month period for one or more of the following reasons:

- a. Because of the birth of your child and in order to care for such child (within 12 months after the birth of the child);
- b. Because of the placement of a child with you for adoption or foster care (within 12 months of the placement of the child);
- c. In order to care for your spouse, child, or parents if they have a “serious health condition;” (defined below); or
- d. Because of a “serious health condition” that makes you unable to perform the functions of your job.

The federal law provides for FMLA leaves of absences to be **unpaid**. However, you may qualify for additional benefits under other State leave policies. If your spouse also works for the State and you become eligible for a leave under paragraphs a. or b. above, or for the care of a sick parent under paragraph c. above, the two of you together will be limited to a combined total of twelve (12) workweeks of leave in any rolling 12-month period.

Coordination with other Policies - You may substitute any accrued paid vacation days, personal leave, or sick leave for unpaid leave under this policy, and any such paid time off must be taken concurrently with your Family and Medical Leave. If you otherwise qualify for disability pay or other leave benefits, you will collect it at the same time you are on Family and Medical Leave. Similarly, if you otherwise qualify for any other type of leave of absence, that leave must be taken concurrently with your Family and Medical Leave. All time missed from work that qualifies for both Family and Medical Leave, and for worker’s compensation, will be counted toward the employee’s 12 weeks of FMLA leave.

Medical Certification - Any requests for a leave under paragraphs c. or d. above, must be supported by certification issued by the applicable health care provider. You may obtain a certification form from your personnel officer.

4.13 Family and Medical Leave Act (cont'd)

At its discretion, the State may require a second medical opinion and periodic recertification to support the continuation of the leave. If the first and second opinions differ, a third opinion can be obtained from a health care provider jointly approved by both you and your employing agency.

Serious Health Condition - For purposes of this policy, "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- a. **Hospital Care** Inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care relating to the same condition;
- b. **Absence Plus Treatment** A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also provides either: 1) treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or 2) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
- c. **Pregnancy** Any period of incapacity due to pregnancy, or for parental care;
- d. **Chronic Conditions Requiring Treatment** A chronic condition which requires periodic visits over an extended period of time for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; and may cause episodic rather than a continuing period of incapacity;
- e. **Permanent/Long-term Conditions Requiring Supervision** A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

4.13 Family and Medical Leave Act (cont'd)

- f. **Multiple Treatment (non-chronic conditions)** Any period of absence to receive multiple treatment (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

Intermittent Leave - If certified as medically necessary for the serious health condition of either you or your spouse, child or parent, leave may be taken on an intermittent or reduced schedule. If leave is requested on this basis, however, you may be required to transfer temporarily to an alternative position which better accommodates recurring periods of absences or to a part-time schedule, provided that the position offers equivalent base pay and benefits.

Notification and Reporting Requirements - All requests for leaves of absence must be submitted to your supervisor in writing at least thirty (30) days in advance of the start of the leave (except when the leave is due to an emergency or otherwise not foreseeable). A delay in submitting this request could result in a delay of the start of your leave. Your supervisor will forward the request to the personnel office for approval. If your leave request is approved, you will receive notice within two (2) business days (absent extenuating circumstances). If your leave request is denied, you will be notified promptly after that decision is made and you can reapply in the event the circumstances for the denial have changed. You must also make an effort to schedule a leave so as not to disrupt business operations. During the leave, you may be required to report periodically on your status and your intention to return to work.

Any extension of time for your leave of absence must be requested in writing prior to your scheduled date of return to work, unless the need for extension is unforeseeable, and you may be required to provide written documentation to support the extension. Your failure to either return to work of the scheduled date of return or to apply in writing for an extension prior to that date may result in discipline up to and including discharge. Employees on leave for their own serious health condition must provide fitness-for-duty releases from their health care provider before they will be permitted to return to work. Your maximum time on FMLA leave of absence cannot exceed a total of twelve (12) weeks in a rolling twelve-month period.

4.13 Family and Medical Leave Act (cont'd)

A FMLA leave of absence will not affect the continuity of your employment. Your original date of employment remains the same for seniority purposes. However, you will not accrue any benefits during the period you are on FMLA leave, except as provided by another leave policy.

Employee Benefits During Family and Medical Leave of Absence - You will be permitted to maintain health insurance coverage for the duration of the FMLA leave under the same conditions coverage would have been provided if you had remained actively at work. However, you must make arrangements for the continuation of and payment of your portion of insurance premiums before you go on unpaid leave status. If you do not return to work after the leave, or if you fail to pay your portions of the premiums, you will be required in most cases to reimburse the State for the premiums paid to insure you during the leave.

Return from Family Medical Leave - Upon return from leave which has extended no longer than a total of twelve (12) workweeks in a rolling twelve (12) month period, you will be restored to the same or to an equivalent position as the one you held when the leave started. Of course, you have no greater right to reinstatement or to other benefits and conditions of employment than if you had been continuously employed during the FMLA leave period. If the leave was due to your own serious health condition, you will be required to submit a fitness for duty certification from your health care provider stating that you are able to perform the essential functions of the job. If you fail to return to work at the expiration of your approved Family and Medical Leave, it may result in discipline up to and including discharge.

Certain highly compensated employees may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to State operations. A "key" employee is a salaried employee who is among the highest paid 10% of employees at that location, or any location within a 75 mile radius. Employees will be notified of their status as a key employee, when applicable after they request a Family and Medical Leave. The State will notify a key employee if it intends to deny restoration to employment upon completion of leave.

An employee shall not be granted FMLA leave of absence for the purpose of seeking or taking employment elsewhere or operating a private business. Unauthorized work while on leave of absence will result in disciplinary action, up to and including discharge.

4.13 Family and Medical Leave Act (cont'd)

In the event there is a conflict between the notice and the Family and Medical Leave Act, the Act shall prevail.

Please contact your personnel officer to receive the necessary forms for a FMLA leave. For additional information on the Family and Medical Leave Act, please see attachment 4.13a.

Your Rights

Under The

Family and Medical Leave Act of 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered

employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

Reasons For Taking Leave:

Unpaid leave must be granted for *any* of the following reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of *paid* leave may be substituted for unpaid leave.

Advance Notice and Medical Certification:

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

Job Benefits and Protection:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."

- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Unlawful Acts By Employers:

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA;
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

For Additional Information:

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.



U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division
Washington, D.C. 20210

WH Publication 1420
June 1993

Chapter 5.0

General Information

- 5.1 Collective Bargaining Agreements
- 5.2 Personnel Files
- 5.3 Position Descriptions
- 5.4 Employee Evaluations
- 5.5 Safety Rules
- 5.6 Traffic and Parking Regulations
- 5.7 Unusual Incident Report
- 5.8 Definitions/Terms/Abbreviations

5.1 Collective Bargaining Agreements

DCFS and the State of Illinois have entered into two (2) collective bargaining agreements, one with the American Federation of State, County and Municipal Employees (AFSCME) and one with the Illinois Nurses Association (INA). Both AFSCME and INA are the sole and exclusive representative for their bargaining unit members in all matters established or pertaining to their respective bargaining agreements.

Copies of the AFSCME and INA contracts are distributed to the appropriate membership at the time of hire and as revisions occur.

AFSCME bargaining units within DCFS include: RC-10 (Technical Advisors); RC-14 (Clerical titles/positions); RC-28 (Technical titles/positions); and RC-62 and 63 (Professional titles/positions).

INA has one (1) bargaining unit within DCFS, RC-23, that includes all nursing titles/positions.

Supervisory or “management level” positions within DCFS are not represented by AFSCME or INA. Employees in these positions are governed by the Department of Central Management Services Personnel Rules. Copies of this document are distributed at the time of hire and are also available in the various regional offices. Lastly, these documents are also accessible online via the D-Net link to the CMS Intranet.

5.2 Personnel Files

The Department maintains personnel files for each employee, which contain official job-related documentation regarding the employee's work history with the State of Illinois. Such documentation includes employee performance evaluations, salary increases, promotions, transfers, address changes, discipline, etc. Medical documentation is maintained in a separate file.

Personnel files are maintained by the following:

1. DCFS Central Office maintains the official files for all DCFS employees.
2. Some information prepared by DCFS for inclusion in an employee's personnel file is also sent to the Department of Central Management Services (CMS). CMS has ultimate authority to maintain an accurate file for each employee within state service.
3. Individual regional offices maintain personnel files for the employees within a specific region.

Supervisor's Files

Supervisors are allowed to maintain employee files which contain job-related information only. This information is often used when evaluating an employee's performance over a given period of time. Information contained in a supervisor's file is confidential and may not include a copy of any disciplinary action against an employee

Upon request, employees may review the contents of their personnel and/or supervisor's file.

5.3 Position Descriptions

Each employee within DCFS has a position description (CMS 104) (attachment 5.3a). A position description identifies the essential functions of a position and defines the specific duties and responsibilities for which each employee will be held accountable in the performance of their respective jobs.

The above noted essential functions, or “illustrative examples” of duties, are assigned percentage weights that reflect the amount of time an employee would “normally” spend performing each task over a 12-month period. These illustrative examples are used to develop employee goals and objectives for each evaluation period.

A position description also identifies: the position number, work location, and specialized knowledge, skills, ability, licensure or certification (“specialized skills”) required to perform that position; the position number of an employee’s supervisor; and subordinate positions that report to an employee through direct line supervision or lead worker responsibility. Position numbers are assigned to each position as a means of record keeping and are not assigned to individual employees.

Each employee is entitled to a copy of his/her official job description. A copy may be obtained from an employee’s supervisor, Regional Administrator, or from the Office of Employee Services.



ILLINOIS DEPARTMENT OF
CENTRAL MANAGEMENT SERVICES

Attachment 5.3a
POSITION DESCRIPTION

| | | | | | | | | | |
|---------------------------|---|--------------------------|--------------------------------|----------------|----------------------------|--|--------------------|----------|---------------|
| 1. POSITION TITLE | | WORKING TITLE (IF ANY) | | BILINGUAL CODE | POSITION TITLE OPTION CODE | 2. POSITION NUMBER | | | |
| Existing Position | | | | | | | | | |
| New/Revised Position | | | | | | | | | |
| 3. AGENCY | | 4. BUREAU/ DIVISION | | | 5. EXMT CODE | 6. WORK COUNTY | 7. A/ AUTH | 8. AUDIT | 9. OFFICE USE |
| Existing Position | | | | | | | | | |
| New/Revised Position | | | | | | | | | |
| 10. SECTION | | 11. UNIT | | | 12. TRANSACTION CODE | | 13. EFFECTIVE DATE | | |
| Existing Position | | | | | | | | | |
| New/Revised Position | | | | | | | | | |
| 14. WORK LOCATION | | 15. BARGAINING/TERM CODE | | | Rutan Exempt | <input type="checkbox"/> MA021 ESTABLISH <input type="checkbox"/> MA022 EXEMPT CODE CHANGE <input type="checkbox"/> MC024 POSITION NUMBER CHANGE <input type="checkbox"/> MC026 CLARIFY <input type="checkbox"/> MC027 ADDITIONAL IDENTICAL CHANGE <input type="checkbox"/> MC028 WORK COUNTY CHANGE <input type="checkbox"/> MD021 ABOLISH <input type="checkbox"/> MC149 DOWNWARD REALLOCATION <input type="checkbox"/> MC150 LATERAL REALLOCATION <input type="checkbox"/> MC158 UPWARD REALLOCATION | | | |
| Existing Position | | | | | | | | | |
| New/Revised Position | | | | | | | | | |
| % OF TIME | 16. COMPLETE CURRENT AND ACCURATE STATEMENT OF POSITION ESSENTIAL FUNCTIONS | | | | | | | | |
| | | | | | | | | | |
| DIRECTOR OF CMS SIGNATURE | | | IMMEDIATE SUPERVISOR SIGNATURE | | | AGENCY HEAD SIGNATURE | | DATE | |

16. (CONTINUED)

% OF TIME

16. COMPLETE CURRENT AND ACCURATE STATEMENT OF POSITION ESSENTIAL FUNCTIONS (Continued)

17. POSITION TITLE AND NUMBER OF IMMEDIATE SUPERVISOR (Responsible for assigning and reviewing work, preparing, conducting and signing performance evaluations; effectively recommending and imposing disciplinary action and adjusting grievances for the incumbent of this position.)

WORKING TITLE (IF ANY)

18. CHECK THE APPROPRIATE BOX IF THIS POSITION IS A:

☐ SUPERVISOR OR ☐ LEAD WORKER

NOTE: Supervisory or lead worker responsibilities must be described in a detailed duty statement(s) with a time percentage(s) allotted.

If a box was checked above, list position title, position number, and number of subordinate incumbents or authorized funded headcount:

| Position Title | Position Number | No. of Incumbents or Funded Vacancies |
|----------------|-----------------|---------------------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

19. SPECIALIZED KNOWLEDGES, SKILLS, ABILITIES, LICENSURE OR CERTIFICATION NECESSARY FOR THE SUCCESSFUL PERFORMANCE OF THE WORK OF THIS POSITION. **NOTE: SINCE THERE ARE NOW SEVERAL OPTIONS OF SKILLS AND ABILITIES AND LICENSURE OR CERTIFICATION IDENTIFIED ON STANDARDS, THE PHRASE "SAME AS SPECIFICATION" CAN NO LONGER BE USED.**

5.4 Employee Evaluations

Employee evaluations are an important and vital tool that benefit both the employee and his/her supervisor. An evaluation may be performed by a supervisor or requested by an employee at any time during the course of a year; however, annual evaluations are a right of the employee and also are required by Personnel Rules.

The basic purpose of an evaluation is to document the performance of an employee. An evaluation formally documents an employee's performance and allows both the employee and his/her supervisor an opportunity to review expectations for the next evaluation period. It also provides the opportunity for a supervisor to set aside some time to meet one-on-one with his/her employee and discuss aspects of the employee's position.

The evaluation process attempts to minimize subjective judgments by utilizing a work planning concept of objective setting and feedback; thus, it helps employees control and evaluate their progress toward personal as well as organizational objectives.

All employees must be furnished with a copy of their evaluation at the time it is completed. The evaluation becomes part of an employee's official personnel history and may be used to support a personnel transaction or disciplinary action. The content of the evaluation must be discussed with the employee. The employee has the opportunity to state, either verbally or in writing, if s/he concurs with the evaluation.

Participation in the evaluation process is a must for all DCFS employees. Evaluations normally take place every 12 months, unless otherwise specified. Supervisors are encouraged, however, to utilize the evaluation process more frequently to accurately reflect outstanding employee performance, markedly improved employee performance or deteriorating performance.

All DCFS employees under the merit compensation and performance system use form CMS-201 MC (attachment 5.4a); all other DCFS employees use form CMS-201R (attachment 5.4b).

STATE OF ILLINOIS
MERIT COMPENSATION AND PERFORMANCE SYSTEM

| | | |
|---|--|----------------------------|
| 1 EMPLOYEE'S NAME – LAST, FIRST, MIDDLE | 2 DEPARTMENT, BOARD OR COMMISSION | 3 DIVISION OR INSTITUTION |
| 4 EMPLOYEE'S SOCIAL SECURITY NUMBER | 5 EMPLOYEE'S PAYROLL TITLE | 6 EMPLOYEE'S WORKING TITLE |
| 7 PERIOD OF REPORT From: _____ To: _____ | 8 TYPE OF REPORT <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div> <input type="checkbox"/> ANNUAL <input type="checkbox"/> LAYOFF </div> <div> <input type="checkbox"/> FIRST PROBATIONARY <input type="checkbox"/> SALARY INCREASE <input type="checkbox"/> DISCHARGE </div> <div> <input type="checkbox"/> FINAL PROBATIONARY <input type="checkbox"/> INTERIM <input type="checkbox"/> OTHER (SPECIFY) _____ </div> </div> | |

PART I – REVIEW OF JOB DESCRIPTION

Review of the employee's job description is required to ensure the accuracy of the job description.

Does the job description accurately and directly relate to the objectives listed in the next part of this evaluation form?

YES ☐NO ☐

If, NO, attach a revision of the job description.

PART II – APPRAISAL OF OBJECTIVES

The space below is to be used by the supervisor to document objectives set for the employee and to indicate the employee's accomplishments toward those objectives. Objectives are to be developed by the supervisor at the BEGINNING of the working period with input from the employee and the concurrence of higher management. Objectives should normally include maintenance activities as well as new initiatives. At the end of the evaluation period, the results toward the objective should be listed. Use additional sheets if necessary.

PART III – APPRAISAL OF EMPLOYEE PERFORMANCE CHARACTERISTICS

Rate the employee for each performance characteristic by marking the box that best indicates the employee's level of achievement. Base each rating on the employee's demonstrated performance. Comments may be provided to explain a particular rating, and are **REQUIRED** when an "Exceptional" or "Unacceptable" rating is designated.

Planning

Assess the ability to develop a plan to complete the work.

☐ Exceptional☐ Accomplished☐ Acceptable☐ Unacceptable**Comments:****Initiative**

Assess the ability to be enterprising and industrious to stay ahead of the job.

☐ Exceptional☐ Accomplished☐ Acceptable☐ Unacceptable**Comments:****Quality**

Assess the level of accuracy, content and thoroughness of work.

☐ Exceptional☐ Accomplished☐ Acceptable☐ Unacceptable**Comments:****Productivity**

Assess the amount of work completed in relation to expectations.

☐ Exceptional☐ Accomplished☐ Acceptable☐ Unacceptable**Comments:****Knowledge**

Appraise familiarity with techniques and procedures needed to complete the work.

☐ Exceptional☐ Accomplished☐ Acceptable☐ Unacceptable**Comments:****Judgement**

Appraise ability to weight alternatives and arrive at conclusions.

| | | | |
|--------------------------------------|---------------------------------------|-------------------------------------|---------------------------------------|
| <input type="checkbox"/> Exceptional | <input type="checkbox"/> Accomplished | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Unacceptable |
| Comments: | | | |

| | | | |
|--|---------------------------------------|-------------------------------------|---------------------------------------|
| <u>Teamwork</u> | | | |
| Assess the ability to work with others, when appropriate, to attain organizational goals and objectives. | | | |
| <input type="checkbox"/> Exceptional | <input type="checkbox"/> Accomplished | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Unacceptable |
| Comments: | | | |

PART III – APPRAISAL OF EMPLOYEE PERFORMANCE (Continued)

Leadership

Assess the ability to develop and guide subordinates or coworkers to successful completion of objectives through increasing their knowledge, skills, and abilities, if applicable.

☐ Exceptional ☐ Accomplished ☐ Acceptable ☐ Unacceptable

Comments:

Human Relations

Assess the ability to establish and maintain rapport with personal contacts.

☐ Exceptional ☐ Accomplished ☐ Acceptable ☐ Unacceptable

Comments:

PART IV – EMPLOYEE DEVELOPMENT

DEVELOPMENT AND TRAINING: Identify and developmental or training activities the employee has completed since his/her last performance evaluation. Such training was (check one) taken as a result of supervisor's recommendation ☐ , or the employee's initiative ☐.

Indicate recommendations for further development and training for purposes of preparing the employee for additional responsibilities or for the improvement of current job performance.

PART V – OVERALL PERFORMANCE RATING

Rate the employee's overall performance by marking the box that best indicates the employee's level of achievement. Supervisor's comments on the employee's overall performance may be documented on an attached sheet, and are **REQUIRED** when an "Exceptional" or "Unacceptable" performance rating is designated.

- | | |
|---|--|
| <input type="checkbox"/> <u>Exceptional</u> | Overall, the employee consistently demonstrates outstanding performance and far exceeds expectations in the completion of established objectives. Additionally, the employee seeks, accepts and completes assignments outside the realm of the established objectives which result in a significant contribution to the agency. |
| <input type="checkbox"/> <u>Accomplished</u> | Overall, the employee successfully carries out assigned duties and responsibilities; meets or exceeds expectations for productivity and quality on a regular basis; accepts and completes special assignments with diligence and concern for the desired outcomes; and exhibits appropriate trust and respect for coworkers and agency management. Employees rated as "accomplished" consistently display understanding and concern for agency goals and the objectives of their operational area. |
| <input type="checkbox"/> <u>Acceptable</u> | Overall, the employee meets many of the standards for the position, but for a number of reasons the general performance level cannot be characterized as "accomplished." |
| <input type="checkbox"/> <u>Unacceptable</u> | Overall, the employee has not met the established objectives and standards of the job in a significant number of situations. |

PART VI – EMPLOYEE COMMENTS

Employee may comment on all or any part of the information contained in this document, including the evaluation process. If the employee does not concur with the evaluation, check the appropriate box in Part IX and explain reasons for disagreement.

PART VII – OBJECTIVES FOR NEXT YEAR

Identify objectives for the next year in the space below. Use additional sheets if necessary.

PART VIII – PROGRESS REVIEW (This can be initiated by either the employee or the supervisor.)

The employee and supervisor may meet to review progress toward previously established objectives. If the original objectives need to be adjusted, use the space below, and/or additional pages, to document the change. The employee and supervisor should date and initial the document at the time of each review.

Date: _____ Initials: Employee: _____ Supervisor: _____

Date: _____ Initials: Employee: _____ Supervisor: _____

Date: _____ Initials: Employee: _____ Supervisor: _____

PART IX – SIGNATURES

EMPLOYEE'S SIGNATURE _____ PAYROLL TITLE _____ DATE _____

☐ I DO NOT CONCUR (Use Part VI For Comments).

SUPERVISOR'S SIGNATURE _____ PAYROLL TITLE _____ DATE _____

☐ I HAVE PERSONALLY DISCUSSED THE CONTENT OF THIS DOCUMENT WITH THE EMPLOYEE.

AGENCY HEAD SIGNATURE _____ DATE _____

PART II – APPRAISAL OF OBJECTIVES (continued)**PART VII – OBJECTIVES FOR NEXT YEAR (continued)**

State of Illinois
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
Springfield, Illinois

INDIVIDUAL DEVELOPMENT AND PERFORMANCE SYSTEM

| | | |
|---|---|---|
| 1 EMPLOYEE'S NAME - LAST, FIRST, MIDDLE | 2. DEPARTMENT, BOARD OR COMMISSION | 3 DIVISION OR INSTITUTION |
| 4 EMPLOYEE'S SOCIAL SECURITY NUMBER | 5. EMPLOYEE'S PAYROLL TITLE | 6 TIME IN CURRENT TITLE ____ YEARS ____ MONTHS |
| 7 PERIOD OF REPORT FROM _____ TO _____ | 8. TYPE OF REPORT <input type="checkbox"/> ANNUAL <input type="checkbox"/> FIRST PROBATIONARY <input type="checkbox"/> FINAL PROBATIONARY <input type="checkbox"/> LAYOFF <input type="checkbox"/> SALARY INCREASE <input type="checkbox"/> INTERIM <input type="checkbox"/> DISCHARGE <input type="checkbox"/> OTHER(SPECIFY) _____ | |

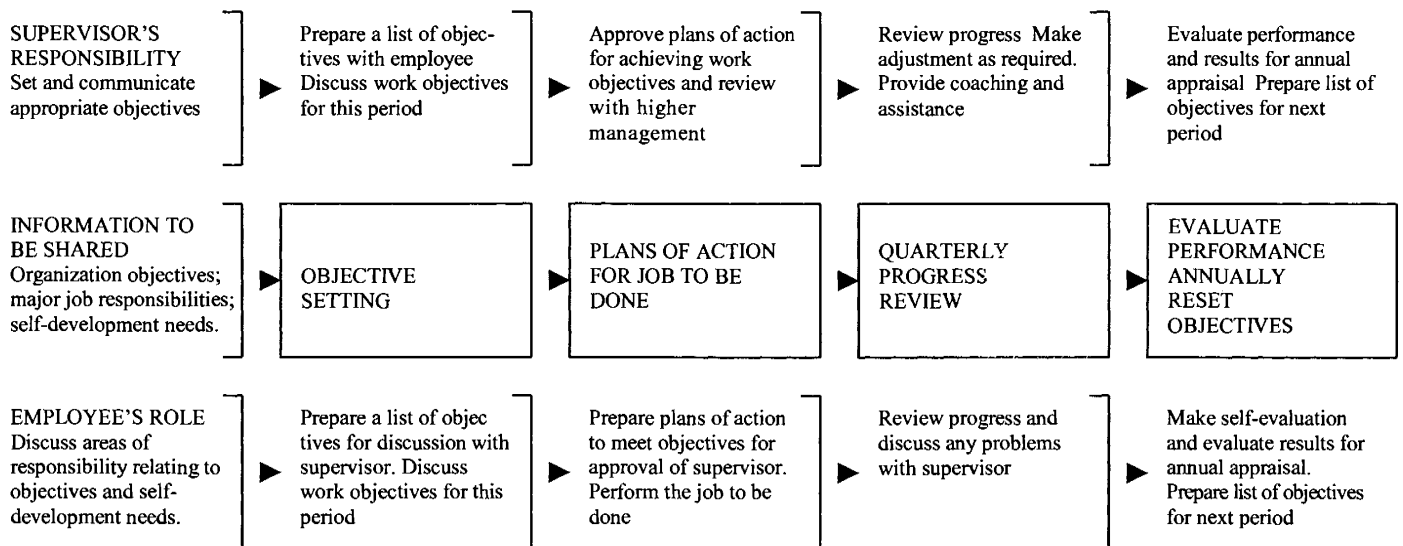
GENERAL INFORMATION

The basic purpose of the Individual Development and Performance system is to let employees know how they are doing, to motivate them, to improve their performance and to justify administrative personnel decisions.

The system attempts to minimize subjective judgements by utilizing a work planning concept of objective setting and feedback. Thus, it helps employees control and evaluate their progress toward personal as well as organizational objectives.

—————

The establishment of employee objectives is a five-step process which is illustrated as follows:



Each employee will be counseled by his supervisor and a copy of this form filed in the individual's personnel folder not less than once every twelve (12) months. Results of quarterly progress review sessions need be recorded only on copies retained by the employee and the supervisor. **A manual is available which may be obtained from the Department of Central Management Services, Bureau of Personnel.**

A minimum of three (3) copies of this form will be prepared - one for the supervisor, one for the employee, and one for the personnel files. Additional copies may be prepared if needed. If employee's position is at a level (unskilled, etc.) that does not lend itself to objective setting, indicate by inserting "N/A" (Not Applicable) wherever necessary.

PART I. APPRAISAL OF OBJECTIVES

Supervisor is to list and evaluate all objectives for which the employee was held accountable during the last reporting period. Mark the appropriate column for each objective.

| | OBJECTIVES | | |
|--|--------------------------|--------------------------|--------------------------|
| | EXCEEDED | MET | NOT MET |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

PART II GENERAL APPRAISAL OF EMPLOYEE PERFORMANCE

Complete items 1 through 8 for all employees and Items 9 and 10 when applicable. Differences between ratings by employee and by supervisor must be discussed.

| | | | TO BE COMPLETED BY EMPLOYEE | | | TO BE COMPLETED SUPERVISOR | | |
|----|-------------------------|---|-----------------------------|--------------------------|--------------------------|----------------------------|--------------------------|--------------------------|
| | | | EXCEEDS EXPECTATIONS | MEETS EXPECTATIONS | NEEDS IMPROVEMENT | EXCEEDS EXPECTATIONS | MEETS EXPECTATIONS | NEEDS IMPROVEMENT |
| 1 | JOB KNOWLEDGE | Knowledge of duties and responsibilities as required for current job or position | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2 | PRODUCTIVITY: | Amount of work generated and completed as compared to amount of work expected for this job or position | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3 | QUALITY | Correctness, completeness, accuracy and economy of work - overall quality | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4 | INITIATIVE | Self motivation - amount of direction required - seeks improved methods and techniques- consistence in trying to do better | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5 | USE OF TIME | Uses available time wisely - is punctual reporting to work - absenteeism – accomplishes required work on or ahead of schedule | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6 | PLANNING | Sets realistic objectives - anticipates and prepares for future requirements -establishes logical priorities | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7 | FOLLOW-UP | Maintains control of workloads - allocates resources economically - insures that assignments are completed accurately and timely | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8 | HUMAN RELATIONS | Establishes and maintains cordial work climate - promotes harmony and enthusiasm - displays sincere interest in assisting other employees | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9 | LEADERSHIP | Sets high standards - provides good managerial example - encourages subordinates to perform efficiently – communicates effectively | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10 | SUBORDINATE DEVELOPMENT | Helps subordinates plan career development – trains potential replacements - gives guidance and counsel | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

PART III. REMARKS BY SUPERVISOR

Document the ratings checked In Part I and II.

Comment on employee's outstanding achievements. When "not met" is checked In Part I or "needs improvement" is checked in Part II describe the reasons for this rating, and what remedial steps were taken.

PART IV. EMPLOYEE OBJECTIVES FOR NEXT REPORTING PERIOD.

To be established by the supervisor with input from the employee. Objectives should be set for each major area of job responsibility, ranked in priority order, and be as measurable as possible. Personal development objectives may be included.

PART V. EMPLOYEE'S COMMENTS

Employee may comment on all or any part of the information contained in this document, including the evaluation process. If the Employee does not concur with the evaluation, check the appropriate box and explain reasons for disagreement.

PART VI. SIGNATURES

EMPLOYEE'S SIGNATURE

PAYROLL TITLE

DATE

☐ I DO NOT CONCUR (USE PART V FOR COMMENTS)

SUPERVISOR'S SIGNATURE

PAYROLL TITLE

DATE

☐ I HAVE PERSONALLY DISCUSSED THE CONTENTS OF THIS DOCUMENT WITH THE EMPLOYEE

NEXT HIGHER LEVEL SUPERVISOR SIGNATURE (REVIEW) PAYROLL TITLE

DATE

AGENCY HEAD SIGNATURE (REVIEW)

DATE

PART VII. QUARTERLY PROGRESS REVIEW. (This can be initiated by either the employee or the supervisor.)

The employee and supervisor may meet quarterly to review progress toward previously agreed upon objectives. If the original objectives need to be adjusted, use the space below to document the change. The employee and supervisor should date and initial the document at the time of each review.

1st quarter

Date _____

Initials: _____

Emp _____

Sup _____

2nd quarter

Date _____

Initials: _____

Emp _____

Sup _____

3rd quarter

Date _____

Initials: _____

Emp _____

Sup _____

5.5 Safety Rules

Fire Prevention

Fire prevention is everyone's responsibility. Employees should familiarize themselves with the locations of alarm boxes, fire extinguishers and the local procedures to be followed in case of a fire. An employee's first priority is always to protect the clients and himself/herself from danger. Alertness, caution, and common sense can prevent disaster.

Accidents/Accident Reports

All accidents involving employees, clients, or visitors, regardless of how minor, must be reported immediately to the employee's supervisor. Employees who are injured on the job may be entitled to Workers' Compensation benefits (see Section 4.6), and the failure to report injuries may affect later benefits and/or be subject to disciplinary action.

The injured employee's supervisor must conduct a thorough investigation of the accident immediately to ensure that all details of the incident are secured and reported on an Unusual Incident Report form. The incident form will include the following information:

- Who was involved;
- A detailed explanation of what happened, including witness statements;
- When the incident occurred;
- How the incident occurred;
- An explanation of why the incident occurred.

The incident report should also include any recommendations for corrective action to prevent the incident from occurring again. The completed report is to be processed through the area administrator; copies should also be provided to the Department's Payroll and Labor Relations offices. If an employee is off work as a result of the accident, the employee's supervisor must ensure that the Personnel Liaison is notified promptly to ensure the proper paperwork is processed, as well as to provide assistance regarding the employee's benefits.

5.5 Safety Rules (cont'd)

Unsafe Equipment or Conditions

Employees should immediately report to their supervisor any defective equipment, hazardous substance or any other conditions in the work area which may be a safety hazard. Failure to do so may result in harm to themselves or co-workers.

Keys and Locks

For purposes of security and/or confidentiality, the doors of some work areas are locked, and certain records, supplies and equipment must be kept in locked cabinets. If keys are used at work, they should be kept in a secure, designated location. If a key is used, it must be returned to the designated location prior to the end of an employee's work day.

Keys may not be duplicated by an employee without the site administrator's written permission. Unauthorized possession of keys, or giving or loaning of keys to an unauthorized staff member, will be cause for disciplinary action, up to and including discharge. Under no circumstances shall an employee give or loan a key to a client.

If an employee loses his/her keys, the employee's supervisor and the Security Office must be informed immediately.

Automobile Accidents

The state has a "self-insured" plan which provides coverage for state employees in the course of official business. This does not, however, absolve employees of their responsibility to carry the mandatory minimum auto insurance, as required by Illinois law. Employees must report any accident that occurs with a state-owned or state-leased vehicle, or their own or rented vehicle (when used in the course of official business) within three days to the Department's accident coordinator. If, for any reason, the employee cannot make this report within the established time frame, his or her supervisor is responsible for making the report on the employee's behalf. Complete information concerning the DCFS Motor Liability Plan is addressed in Administrative Procedure #8 (attachment 5.5b).

Additional Staff Safety information is addressed in Administrative Policy #16 (attachment 5.5a).

Administrative Procedures #16
Staff Safety
August 23, 2002 - P.T. 2002.24

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16.1 Purpose

The purpose of these procedures is to establish uniform procedures governing the Department's planning for the prevention of, response to, and reporting of threats and emergencies that may or actually do threaten the safety of Department staff and visitors to Department offices, and threaten the ability of the Department to provide essential services and functions.

16.2 Definitions

As used in this Administrative Procedure:

"Aggravated battery" means an act committed intentionally or knowingly and without legal justification to cause bodily harm, or permanent disability or disfigurement with a weapon or other item.

"Assistant Emergency Services Coordinator" means a staff person designated to assist an Emergency Services Coordinator with the planning and implementation of an Emergency Services Preparedness Plan for a Department office.

"Emergency" means any unplanned event that can cause death or significant injuries to employees, clients or the public; or that can shut down or disrupt operations, cause physical or

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environmental damage, or threaten the facility's ability to perform its public duties. Numerous events can be qualified as "emergencies," including:

- Fire
- Hazardous materials incident, i.e., natural gas leaks, etc.
- Flood or flash flood
- Tornado
- Winter storm
- Earthquake
- Civil disturbance
- Explosion

"Emergency Planning Coordinator" means the staff person designated by the Director to coordinate the development and implementation of the Department's Emergency Services Preparedness Plan.

"Emergency Services Coordinator" is the person designated for a specific Department office to coordinate planning for and response to situations and events that threaten the safety and security of Department staff and/or the respective Department office.

"Employee", "department employee", or "state employee" means an individual who on a full-time or part-time basis receives remuneration from the Department for services performed. For purposes of these procedures **only**, the term "employee" includes an individual who receives remuneration directly from the Department pursuant to a contract for personal services and/or who performs work for the Department under a Department contract for temporary employee services.

"Evacuation" means the withdrawal of any person or persons from a building or part of a building threatened in an emergency.

"Evacuation Coordinator" means a staff person designated to coordinate the evacuation of staff, clients and visitors from a designated floor or area of a Department building or office.

"Firearm" means any weapon from which a shot is discharged by an explosive such as gunpowder.

"Mail" means any hard copy letter, box, package or parcel that is sent or received via the U.S. Postal Service, Illinois Department of Central Management Services mail service, Federal Express, United Parcel Service or any such delivery service.

"Mail opener" means a Department employee who is assigned to receive, open, and distribute mail.

"Medical emergencies" means those situations wherein immediate medical intervention by staff or professional personnel is required to save a life, attend a serious injury, or prevent further

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Staff Safety
August 23, 2002 - P.T. 2002.24

injury.

“Natural disaster” means those situations caused by nature that are a significant threat of harm to the safety of employees or clients in a DCFS building or in the field.

“Safety and Emergency Preparedness Plan” means the emergency response plan prepared for the Department and/or for each Department building.

“Suspicious mail” means any mail (as defined in these procedures) that has one or more of the following characteristics as determined by the addressee following a visual inspection of the exterior or interior of an envelope or box:

- Unknown/unfamiliar sender.
- Unexpected envelopes from foreign countries.
- Any letter or package that has suspicious or threatening messages written on it.
- Addressed to outdated/improper address, improper title, non-personalized (i.e., is not addressed to an individual) and/or person no longer with organization.
- Bears no return address or address not legitimate.
- Suspicious packages or letters that bear restricted endorsements such as” Personal” or “Private.” These characteristics are important when the addressee does not usually receive personal mail at the office.
- Postmark does not match the return address.
- The package or envelope contains materials such as powder, liquid or any other unusual substance.
- Package or letter that makes a sloshing sound.
- Package or letter may have distorted handwriting or the name and address may be prepared with homemade labels or cut-and paste lettering.
- Package or letter that has protruding wires, aluminum foil, or oil stains and may emit a peculiar odor.
- Package or envelope that has an irregular shape, soft spots, or bulges.
- Package or letter may be unprofessionally wrapped with several combinations of tape used to secure the package and may be endorsed “Fragile-Handle with Care” or “Rush-Do Not Delay”.
- Package or letter that has excessive postage.
- Pressure or resistance is felt when removing contents from an envelope or package. **If you feel pressure or resistance in removing contents – STOP.**

“Telephone trap” means a way for the local telephone company to capture incoming and outgoing electronic impulses, which identify the originating telephone number of an incoming call to a target line.

“Threat” means an act that is communicated to inflict physical, emotional or any other harm to an individual; or which subjects an individual to physical confinement or restraint.

“Traumatic event” means those events, which, in the course of official job responsibility, cause

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Staff Safety

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psychological, emotional or physical impact to an individual. This includes the violent death of a fellow employee in the course of official State business; violent death of a child known to the employee in his/her official working capacity; physical assault or aggravated battery on the job or in the course of official duties; death threats associated with official job responsibilities; hostage situation; believable threats as evidenced by a past history of violence or uncontrolled behavior; mental or physical disorders related to job duties and responsibilities.

“TTY, text telephone” means a telephone communications device where text is typed by the user and is sent out and received to communicate with hearing and/or speech impaired individuals.

“Visitor” means any person other than a DCFS employee who is in a Department office for official business reasons.

“Weapon” means **any** instrument or device used or designed to be used to threaten, injure or cause bodily harm or death to a person.

16.3 General Department Policy Introduction

The Department is committed to establishing and maintaining a safe work environment for staff and visitors to Department offices. In addition, the Department is obligated to ensure the continuing availability of essential services to clients, caregivers, and vendors, and others who have official business with the Department.

Department staff has an individual and collective responsibility to engage in daily behavior that contributes to a safe work environment for themselves, their colleagues, and visitors. Therefore, the Department will respond in a serious manner to any act by any person that communicates the intent to do harm or that results in harm to a Department staff person, a Department office and/or a visitor to a Department office.

a) Violence in the Workplace (Section 3.6, DCFS Employee Handbook)

All employees of DCFS are entitled to a safe workplace that is free from violence or the threat of violence. Workplace violence creates unsafe working conditions, undermines the safety of employees and will not be tolerated. The Department's policy of **Zero Tolerance** requires each employee to refrain from violence or threats of violence in the workplace.

An employee who commits an act of verbal or physical violence against a coworker, supervisor, provider, client, or member of the general public is in violation of this policy and will be subject to disciplinary action, up to and including discharge. Additionally, that employee may also be charged under the **Illinois Criminal Code** for any offenses resulting from non-compliance with this policy. Refer also to section 16.6(a)(2), Firearm/Weapons Threat by Department Employee.

The provisions of **Zero Tolerance** are as follows:

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- An employee may not engage in any verbal communication "which places another person in reasonable apprehension of receiving battery" (720 ILCS 5/12-1). Assault by definition, includes offensive comments or threats from employee to employee, from employee to a member of the general public, or in any other interpersonal communication which occurs as a result of doing business with the Department. Racial and sexual epithets can be perceived as verbal acts of violence.
- Employees may not engage in any physical act which "intentionally or knowingly without legal justification and by any means 1) causes bodily harm to an individual or 2) makes physical contact of an insulting or provoking nature with an individual." (720 ILCS 5/12-3.Battery)
- An employee may not engage in any intimidation with intent to cause another to perform or to omit the performance of any act. Such actions would include communicating to another, whether in person or by any other means of communication, a threat to inflict physical harm, physical restraint, expose a person to hatred, contempt or ridicule, or to "take action as a public official against anyone or anything or withhold official action, or cause such action or withholding." (720 ILCS 5/12-6.Intimidation)
- An employee may not engage in any act of stalking, which is defined as "knowingly and without lawful justification, on at least two (2) separate occasions follow another person or places the person under surveillance or any combination thereof." (720 ILCS 5/12.Stalking)

An employee may not engage in any other activity that is subject to the above provisions as addressed in the **Illinois Criminal Code**. This would include any violations, which constitute a direct connection to the employee's position within the Department.

b) Building Security

Physical security of Department offices is an essential component of a safe work environment. Staff shall comply with the following procedures.

1) Identification Cards or Badges

A) DCFS Staff

All staff must have their Department identification card on their person or readily available when in a Department office, be it the staff's headquarters or another DCFS office. Staff may also be required to visibly display their identification card in certain DCFS offices.

B) Visitors

All visitors must register with the office receptionist when entering the office by

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entering the following information on the office visitor log: Name, agency/affiliation, purpose of visit, time in, visitor badge number, and time out.

All Department offices shall have an adequate supply of numbered "visitor badges" that shall be provided to visitors. All visitors shall be given and shall visibly display the badge while in the office.

Department staff who visit an office that is not their headquarters shall be treated as visitors under these procedures, except they will be issued a temporary "DCFS Staff" badge that they must visibly display while they are in the office. For staff who are assigned to Central Office positions, all Central Office sites in their city, are considered "headquarters".

At the end of each workday, the receptionist shall account for all visitor and temporary DCFS staff badges. If there is any unaccounted for badge, the receptionist shall inform the Emergency Services Coordinator (ESC) for the office. The ESC shall determine what follow-up action is warranted.

2) Security Codes and Keys

The ESC or designee for each office will maintain a current, accurate listing of key numbers assigned to staff in the office. The ESC or designee will inform the security manager in their area of any additions, deletions or changes in access to the security system. The ESC will verify the accuracy of the list no less frequently than once per month.

The ESC is also responsible for ensuring the immediate de-activation of the security code and/or retrieval of a key from the employee when the employee's employment terminates or in any other circumstance in which an employee's access to the office is prohibited.

3) Emergency Exit Doors

Under no circumstances are emergency exit doors to be used for routine entry to or exit from Department offices.

Exit doors are to be kept clear of any obstructions, which would block or compromise their access at all times.

Additionally, no exit door is to be propped open for any reason without a DCFS staff person continuously present to monitor that only authorized personnel enter the site.

4) Windows

For DCFS offices with windows that open, all windows are to be closed and locked before employees leave the building each day. The ESC or designee shall confirm all windows are closed and locked at the end of each workday.

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5) Parking Lots

If a Department office has a parking lot provided as part of the Department's lease for an office, the ESC shall review/assess the safety of the parking lot at least once per month, including but not limited to the presence of adequate lighting, frequency and times of patrols by security personnel, and the condition of pedestrian access.

6) Security personnel

If a Department office has State of Illinois provided security personnel or private security personnel, the ESC shall, at least once per month, review and verify the compliance of security personnel with established Department safety procedures and any other procedure required by the company supplying the security personnel.

Any variation from established procedures and requirements shall be reported to and discussed with the company supplying the security personnel.

7) Emergency Maintenance Issues

Any emergency maintenance issue that arises in a Department office that may pose a threat to clients or staff and/or may interfere with the delivery of services and cannot be resolved locally shall be reported immediately. Staff located in region-based offices shall notify immediately the Regional Administrative Services Manager. Staff based in Department administrative offices in Chicago or Springfield shall notify the Department's Office of Administrative Services.

8) Emergency Notification Procedures

Each office of the Department and each unit of staff located in each office shall develop and maintain procedures that ensure there is a daily record of the presence or absence of employees and the presence of any clients or other visitors to the office. The procedures must include requiring employees (as defined in this Administrative Procedure) to identify where and/or how they may be contacted if an emergency concerning the office occurs.

If an emergency occurs that requires the evacuation of the building, one or more employees must be designated to take a copy of the daily record so that employees may be contacted and/or the daily record may be given to emergency personnel as may be required.

9) TTY, Text Telephone Communications Device

The Department's main administrative offices in Springfield and Chicago and all offices that provide services to children and families shall have a TTY to permit communication with persons who are hearing impaired or deaf.

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c) Confidentiality of Information and Order of Protection

Department staff's personal and employment information is confidential. All staff have a responsibility to protect the privacy of all employees, including their own. Employee's home addresses and/or phone numbers should not be posted in public view in any office, nor given to anyone including clients, any person who has official business with the Department, or to visitors.

All official requests for employee information such as verification of employment, and/or income, from sources outside of the Department must be done only in writing and must have the employee's signature authorizing the release of the requested information. The employee's signature must be verified by the processing unit before any information is released. Only the requested information shall be given. Only the Department's Office of Employee Services and Payroll unit may process all such requests.

Any information, regardless of its nature, requested by news media, or other government, and legislative bodies shall be directed to the Department's Office of Communications at 312/814-6847.

The Department understands that an employee of the Department may be the subject of an **Order of Protection or Restraining Order** that is intended to protect the employee from harm by persons not associated with the employee's official duties.

The Department understands the confidential nature of an Order of Protection or a Restraining Order and recognizes the right to privacy of all its employees. The Department will make every effort to respect and maintain the confidentiality of any personal information shared with its supervisors or administrators.

- 1) An employee who has been granted an Order of Protection or Restraining Order and lists the Department's location as being a protected area shall provide the following information to his/her immediate supervisor:
 - A copy of their **Order of Protection or Restraining Order**;
 - A photograph and/or description of the potential perpetrator indicated in the order;
 - The license plate number and description of any vehicle the perpetrator may drive; and
 - A copy of any extension(s) of these orders.

The supervisor shall send a copy of the orders listed above to the Office of Administrative Services. Some of the above information may be shared with other employees who may also be exposed to the potential threat, i.e., receptionists, and security staff.

- 2) Staff or supervisors shall take the following steps if the potential perpetrator attempts to enter any Department office within the protected area:

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- **Call 911 or the emergency phone number of your local police department.** Inform the operator that there is a perpetrator violating an **order of protection** which was filed by an employee from that office;
- Ask for immediate police assistance;
- Notify the supervisor on duty;
- **Do not** allow the perpetrator to enter;
- **Do not** get into an argument with the perpetrator;
- Remain calm;
- Notify the person who is the subject of the **Order of Protection or Restraining Order** and make certain that the person remains out of the sight of the perpetrator;
- Make sure that others (clients, staff, visitors) are not put at risk (See **Section 16.6 (a)(5)**, of these procedures and **Section 3.6 of the DCFS Employee Handbook** for additional information);
- Notify the Director's Office (217/ 785-2509; after hours 217/ 785-4020);
- Get a copy of the police report;
- Complete a **CFS 119 Unusual Incident Report**; and
- Send a copy of the CFS 119 and of the police report to the Office of Administrative Services.

Note: The Office of the Director shall notify the Administrator of the unit where the person who is the subject of the **Order of Protection or Restraining Order** (worker) works. The above mentioned Administrator or his or her designee shall make every effort possible to immediately notify the worker of the alleged incident including but not limited to attempting to reach the worker at home if the worker is not found at work.

d) Office Evacuation and Sending Staff Home

An event may occur that requires evacuation of a Department office. Evacuation of an office shall be coordinated by the ESC and the designated Evacuation Coordinators. The ESC shall immediately report the evacuation to the Director's Office in Springfield by calling 217/785-2509 or after hours at 217/785-4020.

Depending on the nature and extent of the reason that required evacuation of the office, it might be necessary to re-deploy staff to another office site or to send staff home. Only the Director or designee may authorize re-deployment of staff to another office and/or sending staff home.

e) Field Safety while on Department Business, Field Accompaniment

While out in the field, direct service workers must be cautious and alert, paying special attention to the environment and the events going on around them. Workers must avoid confrontations and shall not hesitate to leave an area to do so. Also, workers must be vigilant in the event that they are being followed, while on foot or by car, and should change their daily routes either on their way home or while performing their daily responsibilities.

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There are certain circumstances wherein an employee should request, or a supervisor direct, that he/she not make a home visit or intervene in a situation unless accompanied by a police officer or fellow worker. When an employee or supervisor is aware of a potentially dangerous situation, the employee shall call for police assistance and shall not be expected to make the visit unless accompanied by the police. A fellow worker may also accompany an employee making a home visit; however, the accompanying worker must be fully informed of the situation, its possible dangers and, be willing to be present throughout the visit, and to assist by contacting the police when hostile or threatening actions arise.

Such circumstances include but are not limited to situations where:

- A documented history of violence including assault and/or battery convictions, weapon violation, etc., exists;
- There is a documented or alleged history of criminal activity, such as drug usage and/or drug dealing in the home or in the immediate area;
- Protective custody is anticipated; or
- The SCR report indicates that the alleged perpetrator is dangerous or is known for potential violence.

In the event that the worker is being followed, the worker should:

- **Immediately call 911** or the appropriate emergency phone number of the local police department;
- Go to the nearest congested area;
- File a police report;
- Remember as much detail about the person following you as possible; and
- Upon returning to the office, notify your supervisor and complete a **CFS 119, Unusual Incident Report** form, as instructed in **Procedures 331, Unusual Incidents**.

There are some other situations in which field accompaniment should also be considered. These situations should always be discussed with and approved by the employee's supervisor. Such situations include but are not limited to:

- Geographic locations that are very isolated or in an area known to be dangerous;
- Visits made late at night/very early mornings; or
- A single employee will be responsible for a number of children of different ages and sexes.

f) Assistance for Staff Affected by Traumatic Events

The Department has developed the following procedures to be implemented when traumatic events occur.

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When the occurrence of an event, such as the unexpected death of a client or co-worker, assaults or shootings, traumatizes a Department employee (physically, emotionally or psychologically), the employee shall be given the option of administrative leave or an alternative means for stress reduction, such as using the State's Employee Assistance Plan (EAP). The occurrence of the trauma may be due to the actions of another Department employee, Department client, or some other person outside of the work environment.

1) Employee Responsibilities

A) Administrative Leave

When an employee seeks administrative leave because of a traumatic event, the employee shall request such time-off through his/her immediate supervisor. The request is to be in person or by telephone as soon as possible after the occurrence of such an event and followed up in writing within three days.

The Deputy Director shall contact the Director's Office to request approval for the time-off. Consideration will be given to the number of employee requests received. The decision to grant administrative leave will be based on the effect of the traumatic event to staff and the extent that critical services continue to be rendered to clients by other personnel or contracted services.

If approved, the employee may take administrative leave of up to three (3) working days. Employees who have been granted administrative leave shall be available for answering questions related to the incident, but are not expected to be available for work-related duties during any part of the administrative leave.

B) Benefit Time-Off

When the employee requires additional time beyond the approved administrative leave of three (3) days, he/she must request the use of benefit time (vacation, personal time, compensatory time, or sick time.)

2) Department Responsibilities

The Department shall develop crisis intervention plans at the Central, Regional and Field Office levels. Responsibility for developing a crisis intervention plan for the Department's Central Administrative Offices shall be with the Division of Administrative Services. Regional Administrators shall be responsible for developing Regional Office plans, and Field Office Managers shall develop plans for Field Offices. These plans will include the use of a crisis intervention team, including a psychologist, that can be immediately implemented and/or mobilized in the event of a traumatic event involving

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multiple individuals and/or locations.

The Department shall develop further contingency plans and training to deal with situations involving traumatic events to its employees and their locations. The following procedures shall be implemented:

- A)** An employee may be granted up to three (3) days administrative leave when a traumatic event occurs which psychologically, emotionally or physically affects the employee because of an uncontrolled or unexpected occurrence as defined in these Administrative Procedures.
- B)** An employee who has been traumatized may be given a choice of administrative leave, another stress reduction alternative which allows for coping with the traumatic event, and/or temporary reduction of workload.
- C)** An employee who is granted administrative leave is expected to be available for answering questions related to the incident but not for work-related duties during such leave.
- D)** An employee may be granted use of additional benefit time, when needed, in addition to the three (3) workdays granted as administrative leave.
- E)** Notifications during non-business hours to the Director's Office of events specified in these procedures shall be made to the State Central Register (SCR) by calling 217/785-4020. The SCR supervisor on duty will make all other required notifications.

16.4 Safety and Emergency Planning

a) Planning Responsibility

Subject to the supervision and approval of the Director, the Department's Emergency Planning Coordinator (EPC) will have lead responsibility for coordinating all safety planning for the Department.

In fulfilling this role, the EPC will coordinate all planning with the Department's Quality Councils (State, Regional and Site) and Union Leadership, including labor-management health and safety committees.

All safety planning will be centrally directed, but locally implemented by and for each Division and Executive office of the Department. For offices in which staff from multiple divisions/units are co-located, there will be collaborative planning among all staff so that there is one Safety and Emergency Preparedness Plan per office site.

b) Emergency Services Coordinators

The Director, in consultation with the EPC and Executive staff shall designate one person to perform the function of the Emergency Services Coordinator (ESC) and two (2) persons to perform the function of Assistant Emergency Services Coordinator (AESC)

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for each Department office site/building.

The duties of the ESC include, but are not necessarily limited to:

- 1) Coordinating the development and implementation of the office Safety and Emergency Preparedness Plan;
- 2) Coordinating the response to and reporting of any threat or emergency; and
- 3) Responding to local, state and/or federal authorities concerning any safety or security event at the Department office (e.g. a fire in the office after hours.)

The duties of the AESC include, but are not necessarily limited to:

- 1) Assisting the ESC in safety and emergency planning and coordination activities; and
- 2) Serving as requested as acting ESC in the absence of the ESC.

c) Evacuation Coordinators

For each floor of each building in which DCFS staff is located there will be at least two staff who are designated as Evacuation Coordinators (EC). The role of the EC is to coordinate the response of staff on the floor to a threat or emergency event in a manner consistent with these procedures, whether or not the event requires evacuation. In the event that an evacuation is necessary, whether it is due to an emergency drill or a true emergency, the EC is responsible for coordinating the evacuation of staff, visitors, and clients from a designated area. The EC shall pay particular attention that children and individuals with disabilities are helped to the planned safe location by others evacuating the affected premises.

The EC shall also maintain a confidential "Emergency Information Contact" list for all staff in their area. Copies of this list shall be provided to the unit's Administrator who shall also keep a copy of an up to date list off premises. This list shall include the names of persons who employees have designated to be notified in the case of an emergency, after hours contact phone numbers for work, home, portable phones or pagers. Also, if available, the name and phone number of the employee's primary care physician and any pertinent medical information such as drug allergies and pre-existing medical conditions.

d) Safety and Emergency Preparedness Plans

The EPC shall coordinate the development of a Department Safety and Emergency Preparedness Plan. The plan shall be reviewed and updated annually or more frequently, if needed.

Additionally, a Safety and Emergency Preparedness Plan will be developed for each office site/building in which staff is located. All such plans will also be reviewed and updated annually or more frequently as needed.

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All plans will be developed based on applicable federal and state law and regulations and Council on Accreditation standards and in consultation with the Department's State and Regional Quality Councils, Union leadership, and the Department's Office of Administrative Services.

e) Safety and Emergency Training

The Department shall develop an annual Safety and Emergency Training Plan. The Division of Training and Employee Development, in consultation and collaboration with the EPC, shall be responsible for the development of the training plan. The plan will be a component of the Department's annual Safety and Emergency Preparedness Plan.

Additionally, each office site/building in which DCFS staff is located will have a local Safety and Emergency Training Plan. The Division of Training and Employee Development will provide consultation and technical assistance to local ESCs in the development of the Training Plans.

The Department and all office training plans will include, but not necessarily be limited to, training on the following topics:

- 1) Administrative Procedures #16, Staff Safety;
- 2) First aid;
- 3) Cardio Pulmonary Resuscitation (CPR) and The Heimlich Maneuver (as applicable to selected staff);
- 4) Communicable diseases;
- 5) Blood borne and air borne pathogens;
- 6) Testing and/or verifying through drills or similar procedures the efficacy of procedures governing events such as evacuation, tornados, earthquakes, etc; and
- 7) Correct operation of fire extinguishers.

All new Department employees will receive safety and emergency training as part of the Department's new employee orientation training program.

f) Emergency Action Steps Chart and Emergency Phone Numbers

The Emergency Action Steps Chart, found in **Appendix A** of this Administrative Procedure, illustrates at a glance the recommended actions for staff to take in a given emergency. The ESC for each Department office/building shall:

- Write on the chart the local emergency phone numbers and emergency contact persons;
- Photocopy the chart and post it in visible areas of the office; and

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- Ensure that each DCFS staff person located in the office/building receives a copy of the chart, understands the chart, and understands the importance of following the instructions contained in the chart.

g) First Aid Kit, Plastic Bags, and Protective Gloves

The ESC for each office/building is responsible for ensuring that each floor of the building/office has a first aid kit, protective gloves (at least 5 pairs in addition to the 2 pairs included in the first aid kit), plastic bags (at least 10 plastic bags at all times) used for sealing suspicious mail or parcels, and for the disposal of spills containing body fluids or waste. Each ESC shall assign a specific person to maintain the first aid kit adequately supplied, and the appropriate number of plastic bags, and protective gloves. To ensure the adequate supply of plastic bags and protective gloves, an inventory shall be included on the monthly facility inspection list.

Replacement items shall be obtained through the regular procurement ordering procedures at each location. Contents of each First Aid Kit should include at a minimum:

- 2 units of 3" bandage compresses
- 2 units of triangular bandages
- 2 pairs of protective gloves
- 1 one-way face mask
- 2 units of eye dressing packets
- 1 scissors
- 1 tweezers
- 1 unit of 1" adhesive tape
- 1 box of adhesive bandages of various sizes
- 1 packet of first aid/burn cream
- 4 packets of antibiotic ointment
- 1 antiseptic
- 1 hot and cold packet
- 1 CPR Micro Shield

The local emergency service phone numbers such as 911 or the local fire department number must be indicated on the outside surface of the first aid kit box.

h) Universal Precautions

Exposure to blood and certain other bodily fluids can result in the transmission of blood-borne diseases such as AIDS or Hepatitis B. Transmission of these diseases can be prevented by wearing protective disposable gloves that form a barrier between the worker and blood or body fluids that can transmit disease. The Centers for Diseases Control (CDC) recommends that all workers who may be exposed to blood or bodily fluids that transmit disease should adopt universal blood and body fluid precautions. "Universal precautions" stresses that all persons should be assumed to be infectious for HIV, which causes AIDS, and other **blood-borne**

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diseases.

1) What Body Fluids Cannot Transmit Blood – Borne Diseases

The CDC advises that “universal precautions” do **not** need to be taken when a worker comes into contact with any the following:

- Sweat;
- Tears;
- Urine;
- Saliva;
- Feces;
- Nasal secretions;
- Sputum; and
- Vomitus.

Transmission of AIDS or hepatitis B from the above list of body fluids has not been documented.

2) What Body Fluids Can Transmit Blood-Borne Diseases

The CDC advises that “universal precautions” should be taken when a worker comes into contact with any the following bodily fluids:

- Blood;
- Semen;
- Vaginal secretions;
- Breast milk;
- Amniotic fluid;
- Pericardial fluid;
- Peritoneal fluid;
- Synovial fluid; or
- Cerebrospinal fluid.

The last five (5) items in the above list are rarely encountered outside a medical setting.

3) Statement of Policy

It is the policy of the Department that employees should wear protective disposable gloves when they in the course of their official duties:

- Come into direct contact with blood or other body fluids listed above; or
- Handle material soiled by blood or the other body fluids listed above; or
- Clean surfaces or other items soiled by blood or one of the other body fluids listed above.

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In some instances, blood may be visible in urine, feces, or vomitus. In these circumstances, workers should treat these body fluids as potentially hazardous and wear disposable gloves. It is essential that workers wash their hands with soap and water after the gloves are removed.

If, for any reason, gloves are not worn, hands and other skin surfaces should be washed immediately and thoroughly if contaminated with blood or other body fluids listed in 2 above. When hand washing is not possible, waterless antiseptic hand cleaner (i.e. alcohol wipes) should be used.

Regional Administrative Services Managers shall ensure that disposable surgical gloves are available for staff use at all times.

i) Spills of Powdery Substances, Liquids, Blood or Body Fluids

1) Spills of Powdery Substances or Liquids

If staff spills a powdery substance, such as cosmetic powder, artificial sweetener, or cleaning powder, or spills a liquid, the staff person should immediately wipe up the spill with a paper towel and dispose of the towel in a trash receptacle.

2) Blood or Bodily Fluids

If blood or a bodily fluid needs to be cleaned-up, staff should immediately obtain the anti-bacterial clean-up kit available in each office. Staff should proceed to clean up the fluid and dispose of the towels following instructions in the anti-bacterial kit. Staff shall also notify the appropriate administrative services staff of the need to replenish the kit.

The Department's Office of Administrative Services, in collaboration with Regional Administrative Services Managers, shall ensure that fully stocked anti-bacterial kits are available in each Department office.

j) Prevention Signs

Each Department office will have prominently displayed in English and Spanish in rest rooms and other public areas signs that are intended to promote a safe, clean office environment:

- Clean-up of spills of powder or liquid;
- Clean-up of spills of blood or bodily fluids; and
- Signs reminding staff to wash their hands.

k) Quality Assurance and Continuous Quality Improvement

A safe, secure work environment is an essential component of quality services to children and families. Therefore, development and maintenance of a safe, secure work environment requires a

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continuous quality assurance and quality improvement focus and process at the state and local levels.

The State Quality Council, Regional Quality Councils, and Site Quality Councils will include a staff safety and security component in the annual quality assurance and continuous quality improvement plan developed by the respective councils. The State Quality Council will provide overall direction to Regional Quality Councils and Site Quality Councils regarding safety and security quality assurance and continuous quality improvement activities.

16.5 Mail Procedures

Department staff receives three types of mail: hard copy letters, parcels or packages delivered via the U.S. Postal Service, or private-delivery services such as United Parcel Service (UPS) and Federal Express; deliveries via CMS mail service; and electronic mail (e-mail).

a) Sending, Receiving and Distributing Hard Copy Mail and Packages

The Department adheres strictly to policies set by the State of Illinois for receiving and distributing mail and parcels within its agency and government offices.

The implementation of these measures requires a prohibition on the receipt of personal packages at State offices. Accordingly, only parcels intended for governmental purposes should be sent to State offices. Individuals working in State offices may not use State offices for the delivery of parcels of a personal nature. Individuals receiving personal parcels at State offices should promptly direct the sender to cease delivery of such items to the workplace.

This prohibition extends to items sent via the United States Postal Services as well as items sent through private package delivery services (such as UPS and Federal Express). This measure is consistent with the constitutional provisions mandating that public funds and property be used only for public purposes. This measure is intended to reduce the additional burdens created by processing parcels sent to State offices for personal purposes. All Department of Children and Family Services staff are expected to comply with this policy.

Additionally, the following procedures concerning the preparation, receipt and distribution of hard-copy mail are in place in order to promote staff safety and shall be followed. Included are procedures for the handling of any package or letter received by a Department of Children and Family Services office that appears to be “suspicious”, as defined in these procedures.

These procedures are organized to provide a systematic approach to sending, receiving and the distribution of mail. It is required and essential that all staff comply fully with these procedures at all times.

Mail received that is marked as “Confidential” or “Private” or “To be Opened by

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Addressee Only” or any similar message must be opened by the person to whom the mail is addressed or their designee. The person who opens mail is a “mail opener” as defined in these procedures. The opening of mail must be done in compliance with these procedures.

1) Preparation and Sending of Mail by Department Employees.

The following procedures must be followed for preparing and sending mail via the United States Postal Service (USPS), Department of Central Management Services (CMS) inter-office mail delivery, and Department of Children and Family Services (DCFS) inter-office mail delivery.

A) United States Postal Service (USPS)

- All envelopes for outgoing USPS mail should contain the complete, legibly typed or address labeled format. **Handwritten addressed mail will not be accepted.** All mail must have the full address of the person/agency to whom the mail is being sent, as well as complete return address. The following is a sample:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
JOHN/JANE DOE STATION 70
MAILROOM/CENTRAL STORES
406 EAST MONROE STREET
SPRINGFIELD ILLINOIS 62701-1498

- The U.S. Postal Service requires uppercase letters without punctuation if possible. Each employee’s computer is equipped with Microsoft Word and can produce this address format under the Tools prompt on your tool bar. The most acceptable print font is COURIER NEW, with a 10 to 12 point font.
- Your name and, if applicable, your mail station number must be written in the return address area for easy identification by the Mailroom staff.
- Separate outgoing mail into two stacks: U.S. Postal Service mail, or CMS messenger mail and place a rubber band around each stack. Leave all number #10 size business envelope flaps opened and collated together. Clasp the flaps on all manila flat envelopes.
- Please utilize a comparable size envelope for the size of the contents being mailed.

B) Central Management Services (CMS) Mail & Messenger Service

- All External CMS inter-Department mail sent through the CMS Mail & Messenger service provides the Department with a method for shipping mail without incurring any postage costs. All envelopes for CMS outgoing inter-office mail (envelopes, parcels, or boxes) must have the full address of the

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person/agency to whom the mail is being sent, as well as the complete return address, just as if it were being sent via U.S. mail. Regular interoffice envelopes can still be used as long as the necessary information is provided. This will provide faster delivery of interoffice mail and avoid any delays due to security concerns. The following is an example:

FROM: John Doe
DCFS
406 East Monroe, Station 474
Springfield, IL 62701-1498

TO: Mary Doe
DCFS
406 East Monroe, Station 70
Springfield, IL 62701-1498

- In Cook County, offices served by CMS Mail and Messenger pickup and delivery services, may send inter-department boxes through the CMS Mail & Messenger service under certain conditions. Over-sized boxes (computers, monitors, etc.) that need to be transported between Springfield and Chicago must be inspected and approved by CMS Mail and Messenger staff. Call the CMS Mail and Messenger facility at the location listed below for assistance.

Mail and Messenger Services
James R. Thompson Center
100 W. Randolph St.
Chicago, IL 60601 312/814-2196

Talk to the CMS mailroom supervisor on duty and let that person know exactly what you have to transport. CMS will send a messenger to your location to physically inspect the boxes and seal them with a special security tape, which will stay intact until the boxes reach their destination. Staff in Cook County that do not receive CMS Mail and Messenger pickup and delivery services should follow their regular shipping procedures.

- In Springfield based offices of the Department, staff should prepare boxes for inter-office mailing via CMS Mail and Messenger pick-up and delivery services according to established procedures. Central Mailroom staff will contact CMS directly for assistance in preparing large packages for mailing.
- In Cook County, questions should be directed to Stores, Division of Support Services, 773/866-5557 or 773/866-5558.
- Staff located in all other counties should contact Central Stores at 217/785-2487.
- Mail that is not addressed in compliance with these requirements will **NOT** be

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accepted by CMS staff.

C) DCFS Internal Inter-Office Mail

- **All internal DCFS inter-office mail must be addressed legibly and accurately and in the same manner as if the mail were being sent via the U.S. Postal Service.**
- The envelope must include the addressee's first and last name, and the complete department name and location, or mail station number. The sender's first and last name, and the complete department name and location or mail station number must be included. Regular inter-office envelopes may still be used as long as the required information concerning the addressee and the sender is included on the envelope. This will avoid any delays due to security concerns. It is **imperative** for accurate delivery that the prior address information be marked off the inter-office envelope. The following is a sample of how mail should correctly be addressed:

FROM: John Doe
DCFS
406 East Monroe, Station 474
Springfield, IL 62701-1498

TO: Mary Doe
DCFS
406 East Monroe, Station 70
Springfield, IL 62701-1498

NOTE: DCFS mail personnel will NOT accept mail that is not addressed in compliance with these requirements.

2) Procedures for Receiving and Distributing Mail

Supervisors of staff whose job responsibilities include receiving, opening and distributing mail must train their staff on these procedures, including identification and handling of suspicious mail.

Upon receiving the mail, the staff or mail opener shall open and distribute the mail according to the following procedures:

- Put on protective gloves;
- Visually screen all the mail for indicators of "suspicious mail" and any mail that is addressed as "confidential/addressee only";
- For all mail that is **NOT** "suspicious" or addressed as "Confidential/Addressee Only",

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open the mail by using a letter opener or other such tool as necessary and inspect the contents. If the content has **NO** characteristics of “suspicious mail”, attach the envelope or box in which the mail arrived to the contents of the envelope or box by staple or tape and place the mail in a pile marked “Acceptable for Distribution”;

- If the mail opener thinks there is “suspicious mail”, the mail opener shall follow procedures in Section 3, “Procedures for Handling Suspicious Mail” (below);
- If there is no “suspicious mail”, the mail opener will remove the protective gloves. The mail opener should then distribute the “Acceptable for Distribution” mail and any mail addressed “Confidential-Addressee Only” to the staff to which the mail is addressed; and
- After distributing the mail, the mail opener should proceed to the rest room and wash his/her hands with soap and water.

3) Procedures for Handling “Suspicious Mail”

The following steps should be taken if “suspicious mail” (see Definition in Section II) is encountered:

- Do not TEST (Taste, Eat, Smell, Touch) any suspicious substance.
- The mail opener should immediately **but very carefully** take one of the following actions:
 - A) If the suspicious item is a letter, place the letter in a plastic bag and seal the bag; then place the sealed plastic bag in a second plastic bag and seal it.
 - B) If the suspicious item is a parcel, package, or box that is too big to be placed in a plastic bag, cover the item with something such as a trashcan, newspaper, clothing, etc.
 - C) The “suspicious mail” should be left undisturbed in the “mail opening room.”
- The mail opener should then remove the protective gloves and immediately wash his or her hands with soap and water.
- The mail opener should immediately notify her/his immediate supervisor, the Emergency Services Coordinator, and any on-site security personnel.
- The Emergency Services Coordinator shall immediately notify the following persons or entities:
 - A) The appropriate local law enforcement agency;

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- B)** The Illinois Emergency Management Agency (IEMA) by phone at 217/782-7860 or 800/782-7860. IEMA staff will take a report from you and will notify the Illinois Department of Public Health, Illinois State Police, the FBI and the United States Postal Inspector; and
- C)** The Department's Office of Administrative Services at 217/ 785-2588. The Department's Manager of Administrative Services will notify the Director's Office, the Department's Emergency Planning Coordinator, and other Department administrators responsible for staff who occupy the affected building;
- D)** The Department's Emergency Planning Coordinator shall notify the Governor's office;
- E)** The Emergency Services Coordinator shall ensure that all other persons who have touched the letter/package wash their hands with soap and water. The Emergency Services Coordinator shall also prepare in writing a list of all individuals who, to the best of her/his personal knowledge, came into contact with the letter/package as well as those staff who were in the immediate area and provide this list to the appropriate officials/authorities who respond to the incident (local law enforcement, fire department and/or public health officials);
- F)** The Emergency Services Coordinator shall ensure staff follows all instructions given by local, state, and/or federal authorities. If the authorities determine that all or a part of the building must be evacuated, the Emergency Services Coordinator shall immediately;
 - i)** Instruct staff to follow the instructions provided by the authorities; and
 - ii)** Notify the Department's Emergency Planning Coordinator by calling the Director's office at 217/ 785-2509 or 217/785-4020 after hours. The Department's Emergency Planning Coordinator will, after consultation with the Director, provide further instructions regarding whether staff should be directed to report to another work location and/or whether staff should be sent home. The Department's Emergency Planning Coordinator will also contact the Manager of the Department's Office of Administrative Services who will notify the Department of Central Management Services of the evacuation;
 - iii)** The Emergency Planning Coordinator for the Department shall also notify the Governor's office about the evacuation and the Department's plan for ensuring the availability of essential Department services.
- G)** Following the response from local, state or federal officials, the Emergency Services Coordinator shall complete and submit a **CFS 119, Unusual Incident Report** form.

CMS Mail & Messenger offices listed below offer **mail scanning equipment** for envelopes,

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parcels, or boxes that are of a suspicious nature. Please contact your local mailroom administrator or call the CMS phone numbers listed below to utilize this service if necessary. The office hours at the following facilities located in Springfield and Chicago are 8 a.m. to 6 p.m.:

| | |
|-----------------------------|--------------|
| Central Management Services | 217/782-7685 |
| Mail and Messenger Services | |
| 101 W. Washington St. | |
| Springfield, IL 62701-1114 | |

| | |
|-----------------------------|--------------|
| Central Management Services | 312/814-5021 |
| Mail and Messenger Services | |
| State of Illinois Building | |
| 160 N. LaSalle Street | |
| Chicago, IL 60601-3103 | |

| | |
|-----------------------------|--------------|
| Central Management Service | 312/814-2196 |
| Mail and Messenger Services | |
| James R. Thompson Center | |
| 100 W. Randolph St. | |
| Chicago, IL 60601-3219 | |

b) Electronic Mail

Electronic mail (e-mail) has become an invaluable method of communication for Department staff. The Department has established in **Administrative Procedures #20, Electronic Mail**, general policies concerning the use of e-mail by DCFS staff.

The Department of Children and Family Services views seriously any e-mail that communicates a threat of violence, is offensive in its content, or is suspicious in nature. It is possible staff may receive threatening, offensive and/or suspicious e-mail. Staff must comply with the following procedures as applicable to each type of e-mail.

1) Threatening E-mail

Threatening e-mail communicates directly or indirectly a threat to do physical harm to a Department employee and/or a Department office, including but not limited to:

- Bomb threats;
- Arson/fire threats;
- Weapons (guns, knives, etc.) threats; and/or
- Physical violence threats

Staff should take the following action if a threatening e-mail is received:

- Leave the e-mail where it is. Do not close the e-mail and **do not** delete. It may be needed to conduct follow-up investigations.

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- Inform your Supervisor and the office Emergency Services Coordinator (ESC) immediately and document in writing the date and time you notified each person.
- The Supervisor and/or ESC will view the e-mail to verify the threatening nature of the e-mail.

If the e-mail is verified as “threatening” the ESC shall:

Notify the Illinois Emergency Management Agency (IEMA) (800/782-7860) and will document in writing the date and time of notification to IEMA. IEMA staff will coordinate the response by federal, state or municipal authorities that IEMA staff determines as necessary. The ESC and staff who received the e-mail should be prepared to provide as much information as is known about the e-mail (sender, time, date, etc.) to authorities.

- Following notification to IEMA, the ESC must call the Help Desk at 800/791-9958 to “open a problem ticket.” Help Desk Personnel shall immediately notify the Office of Information Services (OIS) Security Administrator (SA) and the Department’s Emergency Planning Coordinator (EPC).

The EPC shall notify the Director’s office about the threat and will coordinate follow-up activities with the ESC; federal, state and local authorities; the OIS SA, the Manager of the Department’s Office of Administrative Services, the Department of Central Management Services, the Governor’s office, the Department’s Office of Employee Services and the Office of the Inspector General as required or necessary.

If the e-mail is **determined not to be threatening** by the ESC, the ESC will decide if it fits into the category of offensive or suspicious and will follow the procedures that are appropriate based on the decision. The ESC will provide direction to staff on how to proceed with the e-mail.

2) Offensive E-mail

Offensive e-mail includes content such as, but not limited to the following:

- Abusive, profane or offensive language;
- Pictures that are or may be blatantly offensive to the receiver; and/or
- Content that could be interpreted as being intended to offend or harass the receiver and/or otherwise violates Departmental e-mail policy.

Staff should take the following action if offensive e-mail is received:

- Leave the e-mail where it is. **Do not close or delete the e-mail.** It may be needed to conduct follow-up investigations.
- Inform your Supervisor immediately, and document in writing the date and time of the notification.
- The Supervisor shall view the e-mail.

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After the supervisor views the e-mail, the **supervisor** shall immediately call the Help Desk at 800/791-9958 to open a problem ticket.

- The Help Desk will immediately notify the OIS Security Administrator who will determine what follow-up action is necessary, including but not limited to providing direction to the staff who received the e-mail and notifying state or local authorities, the Department's EPC, and the Department's Office of Employee Services.

3) Suspicious E-mail

Suspicious e-mail is e-mail that has one or more of the following characteristics:

- Is sent by a person who is unknown to the receiver;
- Has a document or file attached that was either unexpected or the title does not appear to be related to work;
- Is missing the sender's name; or
- Has a subject that appears to be unrelated to the work of the Department

The following procedures shall be followed if any staff receive a "suspicious e-mail":

- **Do not open the attachment.**
- Leave the e-mail where it is. **Do not close or delete the e-mail.** It may be needed to conduct follow-up investigations.
- Inform your Supervisor immediately, and document in writing the date and time of the notification.
- The Supervisor shall view the e-mail to verify the suspicious nature.

If the **supervisor verifies** the suspicious nature of the e-mail, the **supervisor** shall immediately call the Help Desk at 800/ 791-9958 to open a problem ticket.

- The Help Desk will immediately notify the OIS Security Administrator who will determine what follow-up action is necessary, including but not limited to providing direction to the staff who received the e-mail and notifying state or local authorities, the Department's EPC, and the Department's Office of Employee Services.

If the e-mail is **determined not to be suspicious** by the supervisor, the supervisor will decide if it fits into the category of threatening or offensive, and will follow the procedures that are appropriate based on the decision. The supervisor will provide direction to staff on how to proceed with the e-mail.

16.6 Threats

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a) Threats

Due to the nature of the work by the Department, staff may be threatened by a client, someone unknown to them, or by a co-worker. Threats can be communicated by mail, telephone, in person, and by e-mail. The Department will treat all threats seriously and will take action to protect staff. In the event that a staff member is found responsible for issuing a threat, the staff member may face disciplinary action up to and including discharge.

1) Bomb Threat

The Department treats all bomb threats seriously. A **CFS 911, Phone Threat Information form**, is included in **Appendix B**, of this procedure and should be used to record and report threats including bomb threats. Most bomb threats will be made over the telephone. When a Department employee receives information regarding a bomb threat, the following steps shall be taken:

A) Staff receiving the threat shall:

- Follow the **questioning found in the CFS 911 form**, found in **Appendix B** as a guide for asking questions of the caller;
- Obtain as much detailed information as possible from the caller, and note the time of the call and the alleged time(s) of detonation. Detailed information will greatly assist emergency services personnel;
- **DO NOT** allow the caller to get into a meaningless conversation, keep the caller focused on the bomb, get the facts and then hang up;
- If the call is on a recording device, **DO NOT ERASE THE CALL**;
- Immediately after hanging up contact your Emergency Services Coordinator (ESC), Evacuation Coordinators (EC) and/or your DCFS manager/supervisor of the specific floor, office or building for possible evacuation instructions.

If a suspicious item is found, even if no threat was received:

- Remain calm;
- **DO NOT** touch the item;
- **Immediately** notify the nearest supervisor;
- **DO NOT** make bomb jokes (jokes may be considered threats, and the responsible employees may face disciplinary action);
- **DO NOT** smoke in the area;
- If the manager perceives an immediate threat, the manager shall begin immediate evacuation procedures;
- If no immediate threat is perceived, the manager will report the item to the local police department; emergency personnel will investigate and advise whether to evacuate the building; and
- All staff shall always err on the side of caution.

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After it has been determined that it is safe to return to the building, complete a **CFS 119 Unusual Incident Report** form (see instructions under Section 16.8, Reporting Procedures.)

B) Managers/supervisors shall:

- With the person who received the threatening call standing by you, immediately call this bomb threat to the local police department using their emergency number and to the Illinois Emergency Management Agency (IEMA) by calling 217/782-7860 or 800/782-7860;
- With the aid of the ESC and EC begin emergency evacuation in his/her specific area; and/or
- Notify all other ESC and EC and/or DCFS staff/clients and building occupants to begin immediate evacuation of the affected area, and ensure that the area is cleared of all persons; then
- Notify the Director's Office (217/785-2509 or 217/785-4020 after hours) concerning the bomb threat and your notification to the local police department and to IEMA.

Note: ESCs can be of great assistance to emergency services personnel by being aware of their immediate environment (desks, boxes, cabinets, etc.), conducting an ongoing inventory (formal or informal), and noticing items that do not normally belong in that environment or may seem "out of place." Keeping a neat workplace serves as a tool for spotting suspicious items.

C) Evacuation

When the need arises to evacuate an office/building as the result of a bomb threat, the designated ESCs, ECs and/or manager/supervisor shall have responsibility to ensure that the appropriate evacuation procedures are implemented. The ESC, and EC in the affected area should first evacuate his/her area by alerting all persons of the need to leave the building.

Staff in the process of handling an emergency call/situation at the time of the evacuation (e.g. State Central Register Staff) shall briefly explain the situation to the caller, request a call back number, or encourage the caller to call their local emergency number such as 911, and immediately evacuate the area. Supervisory staff shall ensure that the 800/25ABUSE line or any other 24-hour phone system that is affected by the evacuation is placed on referral to an emergency answering system and that all staff has vacated the work area.

During an evacuation, staff are to exit their specific floor, office/building by way of the inside/outside fire escapes or stairways. Elevators are to be

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used by/for the physically disabled and emergency personnel only. Supervisors or designee are to take their daily attendance sheets (sign-in, sign out sheets) with them to the pre-designated "safe" area, however, all other staff are not to be concerned about equipment or records. After reaching a pre-designated "safe" area (a "safe" area shall be no less than 100 yards away from the evacuated building/office and shall be specified by the ESC) staff are to remain away from the building until notified to return.

Immediately following the evacuation to the designated "safe" area, supervisors or designees shall take attendance to ensure that all staff are accounted for and safe. The daily attendance (sign-in and sign-out) sheets shall be used for this purpose. If someone is not accounted for after taking attendance, the nearest emergency personnel shall be notified.

D) Search/Re-entry

The decision to enter the building to conduct a bomb search will be made by DCFS local supervisory staff, in conjunction with local law enforcement and emergency service authorities at the scene. In the event that search activities are initiated, the Department's supervisory staff may be requested to assist with the search of the affected area in order to guide the search team through the building, open locked doors and identify unusual items.

When the affected area has been searched and no bomb is found, the local DCFS supervisory staff in conjunction with local law enforcement and emergency service authorities may authorize re-entry to the office/building via the ESC in charge of the specific office or building. However, staff who refuse to reenter or return to an office/building after a bomb threat or other traumatizing event shall be allowed to use benefit time-off (personal, vacation, sick). At the time of the occurrence, staff may verbally request time-off, but must ensure that a written request is submitted to his/her supervisor immediately upon return to work. Staff are not to re-enter the office/building before authorization by the highest-ranking administrator at the site or, in his/her absence, the ESC after he/she speaks to emergency personnel who are at the scene.

2) Firearm/Weapons Threat by Department Employee

The Department will interpret any incident where a firearm is brought onto State property (other than by a law enforcement officer, special agent, licensed private investigator, or other duly authorized persons) as a threat to the safety of Department employees and a threat to public safety. If, at any point, a Department employee believes his/her safety is in immediate danger, the employee shall not hesitate to temporarily vacate the office and notify the local law enforcement agency and request assistance. (See **Section 16.3(a)**,

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Violence in the Workplace, for additional information.)

When a Department employee is allegedly involved in or responsible for bringing/using a weapon on State owned/leased property or while conducting official State business, the following steps shall be taken:

- A) Report the incident immediately to the local police; do not attempt to handle the matter;
- B) Contact the DCFS manager/supervisor in the building for instructions;

Notify the Director's Office (217/785-2509 or 217/785-4020 after hours);

- A) Complete a **CFS 119** form (see instructions under **Section 16.8, Reporting Procedures**); and
- B) Notify the Office of the Inspector General (OIG) (312/433-3000) that the incident was reported to the local police and that a report needs to be made to the State Police by the OIG.

The employee shall inquire as to what action, if any, the police authorities will take during the next 24-hour period. If police authorities indicate that no action will be taken, or that action will be taken but not within the next 24 hours, information obtained from the local police shall be referred immediately via telephone to the Office of the Inspector General.

The Department does not permit employees to carry weapons on State property or at any time while they are conducting official business for the State of Illinois. If an employee is found with a weapon during work hours or a weapon is found in a car used to transport children, discipline could result, up to and including discharge.

3) Firearm Threat by DCFS Client, Caregiver, or Ward of the State

The Department will interpret any incident where a weapon is brought onto State property (other than by a law enforcement officer, special agent, licensed private investigator, or other duly authorized persons) as a threat to the safety of Department employees and a threat to public safety. When a client, caregiver or citizen brings a weapon onto a DCFS property, or uses a weapon (or implies possession of a weapon) to threaten a DCFS employee due to his/her official duties, the Department staff shall:

- A) Seek and go to a safe place;
- B) **Report the incident immediately to the emergency number of the local police. DO NOT IGNORE THE THREAT OR ATTEMPT TO HANDLE THIS MATTER YOURSELF;**
- C) Report the incident to the immediate supervisor; and

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- D)** Complete a **CFS 119, Unusual Incident Report form** (see instructions under **Section 16.8, Reporting Procedures**).

If a client threatens a Department employee but no weapon is involved, immediately complete a **CFS 119**.

For children being served by the Department who are found in possession of a weapon, see **Administrative Procedures #18, Possession of Firearms and Firearm Ammunition by DCFS Wards**.

4) Harassing/Threatening Phone Calls

The Department takes seriously any harassing or threatening phone call. Employees should not handle these calls by themselves even if the call is personal. Personal threats are also threats to fellow employees and clients.

Perpetrators of threatening phone calls will often call back. With each call the threat becomes more serious and the perpetrator becomes angrier; therefore, it is essential for Managers/Supervisors and staff to act quickly and to get as many details as possible. If the threats are directed to an individual and not to the Department, employees may be encouraged to put a "telephone trap" on their home phone. A "telephone trap" must be requested from the local telephone company serving the requesting employee, and the request must be made from the employee's home phone. Police and CMS will not request a trap for nuisance (annoying and non threatening) phone calls.

A) Staff receiving the threatening call shall:

- Follow the **CFS 911, Phone Threat Information form** found in **Appendix B** as a guide for questioning the caller;
- **DO NOT** get into a meaningless conversation with the caller; keep the caller focused, get the details and hang up;
- If the call has been recorded, **DO NOT ERASE THE CALL**;
- Notify the appropriate supervisor immediately;
- Finish the **CFS 911**.

B) Supervisors/ Managers shall:

- Notify the appropriate law enforcement agency using their non-emergency phone number, and file a police report. The police should come to your location. Keep a copy of the police report for DCFS' files;
- Notify the Office of Administrative Services (217/785-2588) with details of the call (i.e. time and length of call, which phone line received the call, etc.). Be aware of the routing process for the phone lines in the work place;
- Assist employee to complete the **CFS 911 form** if necessary. This form must be completed accurately; the information will assist Police and may be used

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for prosecution;

- Complete additionally a **CFS 119, Unusual Incident Report form** (see instructions under **Section 16.8, Reporting Procedures**);
- Forward copies of the Police report and the **CFS 911 form** to the office of Administrative Services. Keep copies for your own files;
- Inform the local police agency that the Illinois State Police has approved a trap and notified Telecom to put a “trap” on the phone line. Illinois State Police will inform the requester when the “trap” will be placed;
- Once the trap is in place, instruct all employees who may answer the phone to follow the following procedure;
- Set a digital clock using “official” time by the phone and document all calls using precise times, not estimates. Precise time is needed by the telephone company to trace harassing calls;
- Each call should be documented as “legitimate” (Agency business) or “harassing/threatening;”
- Additional instructions will be sent by the phone company to assist staff when the caller calls back.

C) The Office of Administrative Services shall:

- Get the following information from the supervisor;
 - i) Exact time and length of call;
 - ii) The number on which the call came in (remind the supervisors that phones with multiple lines have rollover capabilities, and the routing process of this call should be accurately traced); and
 - iii) A copy of the **CFS 911 form** and the local police report.
- Call the Illinois State Police at 217/524-5923 with the above information; and
- Notify the Director’s Office, 217/785-2509 or 217/785-4020 after hours.

5) Group Threats to Staff, Facility, or Individual

When there are two or more persons gathered with the intent to harm a person or persons in a DCFS building or property, staff shall adhere to the following procedures.

A) Group Threats or Violence inside a DCFS facility:

- Escort children out of the building or into a safe place when possible;
- Contact the immediate supervisor;
- **Call the police - 911;**
- Do not argue with the participants or instigators of the threats/violence;
- Notify the Director’s Office (217/785-2509 or 217/785-4020 after hours); and
- Complete a **CFS 119 Unusual Incident Report form** (see instructions under **Section 16.8, Reporting Procedures**).

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B) Group Threats or Violence outside a DCFS facility:

- Protect children if present;
- Close and lock all doors to the building;
- **Call the police – 911;**
- Stay away from windows;
- Notify the Director's Office (217/785-2509 or 217/785-4020 after hours); and
- Complete a **CFS 119 form**.

6) Bio-terrorism Threats

If staff receive any communication that includes a threat to use biological agents (such as but not limited to anthrax or smallpox) to do harm to Department employees or offices, the staff person shall immediately contact the office ESC. The ESC shall immediately notify the Illinois Emergency Management Agency (IEMA) by telephone at 217/782-7869 or 800/782-7860 and shall also immediately notify the Director's office by phone at 217/785-2509 or 217/785-4020 after hours. IEMA staff will provide further direction to staff concerning response to the threat.

16.7 Fire, Natural Disasters Natural Gas Leaks & Medical Emergencies

a) Fire

1) When in a Building:

- Activate the fire alarm by pulling the alarm handle;
- **Call 911 or the emergency number of your local fire department;**
- Use the fire extinguisher if possible;
- Evacuate the building. Help children evacuate first; follow the Emergency Services Coordinator's instructions. Always crawl close to the floor when in smoke;
- Do Not use the elevators;
- Do Not delay your evacuation by searching for personal belongings or work files;
- Do Not return to retrieve or search for personal belongings or work files;
- Feel each door for heat before opening it; if it is hot do not open it, place towels, rags or some cloth at the base of the door. If it is cool open the door slowly and check the hallway for smoke or flames;
- If your clothing catches on fire, and you are unable to remove the garment, stop, drop to the floor, and roll repeatedly to put out the flames; and
- If someone near you is on fire, do not let them run, get him or her down to the ground using a coat or other item to smother the flames.

Note: A burning candle, burning incense, an open flame, overuse of an air freshener

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product or cleaning solvent, or any heat source that may be deemed hazardous or inappropriately used, is considered to be a safety hazard and shall not be allowed in any DCFS office.

Re-entry into a Building

DCFS supervisory staff, in conjunction with local emergency services authorities, may authorize reentry to the office/building via the Emergency Services Coordinator in charge of the specific office or building (See Section 16.6 (a)(1)(D), for additional information.)

2) When in a Vehicle:

- Get out of the vehicle immediately, assisting children get out if they are present;
- **Call the fire department – 911;** and
- Stay away from the vehicle.

b) Tornado

When conditions are favorable for severe weather, a severe thunderstorm or a tornado **WATCH** is issued by the National Weather Service. Staff should listen to a NOAA weather station or to a local radio station for weather updates. These weather stations provide early warning. When a tornado **WARNING** is issued and/or local alarm has sounded, staff should do the following:

1) When In a Building:

- Continue to listen to a weather station;
- Move to a pre-designated place of safety, such as a basement. If children are present, take them with you. If shelter is not available, move to an interior room or hallway on the lowest floor and get under the kneehole of a desk.

2) When In a Vehicle:

- Do not try to outrun a tornado. Get out of the vehicle;
- Lie flat in a nearby ditch or depression. Assure that the children are near you and protected.

c) Earthquake

1) When in a Building:

- Seek shelter within a doorway or under a desk, cover your head, and hold that position until it is safe to move. If children are present, help them do the same;
- Move no more than a few steps to a nearby safer place;
- Stay indoors until the shaking stops and you are sure it is safe to exit; and

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- Stay away from windows.

2) When In a Vehicle:

- Slow down and drive to a clear place away from buildings and power lines;
- Stay in the car until the shaking stops.

d) Flood

When a flood **WATCH** is issued by the National Weather Service, be alert to signs of flash flooding and be ready to evacuate on a moment's notice. When a flood **WARNING** is issued, do the following:

1) When in a Building:

- If advised to evacuate a building or facility by the ESC and/or manager/supervisor, help any children who may be present and evacuate immediately;
- Move to a safe area before access is cut off by floodwater;
- Continue monitoring NOAA Weather Radio station;
- During the flood, avoid areas subject to sudden flooding; and
- If you come upon flowing water, above the ankles, **STOP!** Turn around and go another way.

2) When In a Vehicle:

- Do not attempt to drive over flooded roadways;
- Avoid already flooded and high velocity flow areas; and
- If the vehicle stalls, leave it immediately, helping children leave the vehicle, and seek higher ground.

e) Blizzard or Severe Winter StormError! Bookmark not defined.

1) When In a Building:

- Stay inside. If children are present, contact caregivers, relatives and/or authorities;
- If there is no heat;
 - i) Close off unneeded rooms;
 - ii) Stuff towels or rags in cracks under doors;
 - iii) Cover windows at night.
- Wear layers of loose-fitting, lightweight, warm clothing. Remove layers to avoid overheating, perspiration, and subsequent chill.

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2) When in a Vehicle:

- Stay in the vehicle, as disorientation occurs quickly in wind-driven snow and cold;
- Run the motor about ten minutes each hour for heat and open the window a little for fresh air to avoid carbon monoxide poisoning;
- Make yourself visible to rescuers by:
 - i) Tying a colored cloth (preferably red) to your antenna or door; and
 - ii) Raising the hood to indicate trouble after snow stops falling.

f) Natural Gas Line Leak

- 1) Call the Fire Department - 911** - and your local gas company;
- 2) Extinguish or turn off all possible sources of sparks or flames;** and
- 3) Evacuate the building immediately, children first.**

g) Office Power or Telephone System Failure

If an office loses power or telephone service, the appropriate service repair company shall be notified. If it appears the service will not be restored within a relatively short period of time, the ESC shall notify the Director's office of the outage. The Director or his designee will provide further guidance to staff.

h) Medical Emergencies

Medical emergencies are those situations wherein immediate medical intervention by staff or medical personnel is required to save a life, attend a serious injury, or prevent further injury.

Assisting in a Medical Emergency

- 1) Emergency attention can be given to the injured person, preferably by a staff person who has received training in handling medical emergencies;
- 2) While one person gives care, another should call for help;
- 3) **Call 911** or the local emergency number. Tell the dispatcher the following:
 - The location of the emergency, the address, including cross streets, building, room number, and telephone number you are calling from;
 - Describe the situation, number of persons involved;
 - What first aid is being given (for example, rescue breathing*, control of bleeding); and
 - **DO NOT** hang up until the dispatcher hangs up. The dispatcher may tell you how to care for the victim. You may return to the scene and help with the care of the victim until help arrives.

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***Note:** CPR Micro shields should be worn while performing mouth-to-mouth resuscitation and are included in the first aid kit provided to each office.

16.8 Reporting Procedures

Unusual Incident Report

Traumatic events will sometimes become an unusual incident as defined in **Rules 331**. When appropriate, traumatic events must be reported as stated in this Administrative Procedure and **Rules/Procedures 331, Unusual Incidents Involving Department Clients, Employees and Facilities**.

The appropriate ESC shall ensure that a **CFS 119, Unusual Incident Report Form**, is completed and submitted on any safety or emergency event covered in these procedures. The CFS 119 is required in addition to any other reporting required by these procedures.

ADMINISTRATIVE PROCEDURES #16**Staff Safety****August 23, 2002 – P.T. 2002.24****Appendix A****DCFS EMERGENCY ACTION STEPS CHART - FIRE & NATURAL DISASTERS**

| Type of Emergency | ACTION TO TAKE | | Emergency Phones |
|------------------------------|--|--|-------------------------|
| | In DCFS Office or Facility | In the Field or Driving | |
| FIRE | <ol style="list-style-type: none">1. Pull fire alarm2. Call Fire Department - (911) and notify supervisor3. If possible use fire extinguisher4. Evacuate assuring client safety (children first), shut all doors to cut air supply5. Use stairs, avoid elevators | <ol style="list-style-type: none">1. Evacuate automobile2. Assure client safety3. Call the fire department4. Stay away from the automobile | 911 |
| TORNADO | <ol style="list-style-type: none">1. Move to the pre-designated safe area. Avoid windows, exterior walls, fire escapes, and large rooms2. Assure client safety, children in particular3. Notify authorities4. Stay tuned to a portable radio station for details | <ol style="list-style-type: none">1. Find shelter area, solid building2. Evacuate the automobile, go into shelter3. If no shelter is available, lie flat on the ground or in a ditch. Do not attempt to outrun a tornado4. Assure client safety, children in particular | |
| EARTHQUAKE | <ol style="list-style-type: none">1. Drop, cover, and hold until is safe to move2. Seek protection under a table or doorway if evacuation is not possible3. Avoid windows and glass doors4. Stay tuned to a news radio station for update | <ol style="list-style-type: none">1. Slow down and drive to a clear place2. Avoid underpasses or bridges3. Stay in the car until the quake ends4. Stay tuned to a weather radio station for update | |
| FLOOD | <ol style="list-style-type: none">1. Evacuate immediately if advised to do so2. Move to a safe area | <ol style="list-style-type: none">1. Do not attempt to drive over a flooded roadway | |

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| | | | |
|-----------------|--|--|--|
| | before access is cut off by flood waters 3. Stay tuned to a weather radio station for update. | 2. Avoid high velocity flow and flooded areas 3. If vehicle stalls, leave it immediately. Help children leave the vehicle and seek higher ground | |
| BLIZZARD | 1. Stay inside. Contact children's caretakers or relatives 2. Close off unneeded rooms. Cover cracks under doors and windows. Cover windows at night 3. In winter wear layers of loose-fitting warm clothing | 1. Stay in vehicle, disorientation in snow occurs quickly 2. Run the motor about ten minutes each hour. Open window slightly for fresh air 3. Make yourself visible to rescuers in any possible and safe way | |

CIVIL DISTURBANCES

| Type of Emergency | ACTION TO TAKE | | Emergency Phones* |
|--------------------|---|--|-------------------|
| | In DCFS Office or Facility | In the Field or Driving | |
| VIOLENCE | 1. Protect children and clients 2. Call local authorities, such as police and fire station 3. If disturbance is inside, select one person as spokesperson 4. If disturbance is outside, lock doors and windows if possible | 1. Protect children at all times 2. Avoid confrontation 3. Seek law enforcement assistance 4. Listen calmly and with empathy to instigator | 911 |
| BOMB THREAT | 1. Attempt to solicit information from the person making the threat 2. Evacuate the building, children first 3. Call local authorities 4. Do not use radios or touch suspected bombs | 1. Evacuate the car or flee from threatened area, protecting children first 2. Contact police or fire station 3. Report to supervisor and DCFS authorities | 911 |
| GUN THREATS | 1. Vacate the building if possible, children first 2. Report immediately to local police and State Police 3. Notify the nearest supervisor 4. Report to the Office of | 1. Protect children 2. Seek law enforcement assistance | 911 |

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| | | | |
|--|-------------------|--|--|
| | Inspector General | | |
|--|-------------------|--|--|

| | | | |
|------------------------------|--|---|-----|
| MEDICAL EMERGENCY | <ol style="list-style-type: none">1. If you have not been trained in handling medical emergencies, find a person nearby who has been trained2. Assist injured person. Use the medical first aid kit if appropriate3. Have someone call 911 and describe the building location and medical situation4. Stay with injured person until further assistance is received | <ol style="list-style-type: none">1. Stop the vehicle where you can receive assistance2. Assist the injured person3. Have someone call 911 and describe the location and medical situation4. Stay with the injured person until further assistance is received | 911 |
|------------------------------|--|---|-----|

* After contacting the local emergency authorities and taking care of the immediate danger to staff, children or clients, call the Director's Office, 217/ 785-2509 or 217/ 785-4020 after hours, then send an Unusual Incident Report.

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LOCAL EMERGENCY ASSISTANCE PHONE NUMBERS & INFORMATION

Evacuation Coordinator

Name:

Phone:

1st Alternate

Name:

Phone:

2nd Alternate

Name:

Phone:

**Emergency Services
Coordinator**

Name:

Phone:

1st Assistant

Name:

Phone:

2nd Assistant

Name:

Phone:

**For Contact Names for
Employee Relatives call:**

(Employee Services)

Fire Department Emergency

Phone: 911 or:

Springfield: 217/ 785-2586

Non-emergency:

Chicago: 312/ 814-1222

Nearest Hospital:

Address:

Police Department Emergency

Phone: 911 or:

Non-emergency:

Phone:

Name(s) Of CPR Certified Staff Who Have Agreed to Provide Assistance:

Names of Staff Who Can Communicate in a Second Language or Method of Communication:

Name:

Language/Method of Communication:

Name:

Language/Method of Communication:

Radio Frequency for Weather Information

National Poison Control Center Hotline: 1 800/ 222-1222

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CFS 911
06/2002

Appendix B



PHONE THREAT INFORMATION FORM

Type of Threat

Bomb ☐ Physical Violence ☐ Bio terrorism ☐ Other: _____

Time: _____ a.m./ p.m. Date: / /

Caller ID#: () - _____

Questions to ask:

1. When is the device going to explode or release?
2. Where is it right now?
3. What does it look like?
4. What kind of device or package is it?
5. What will cause it to explode?
6. Did you place the package, bomb or device?
7. Why?
8. What is your name?
9. What is your address?

Exact wording of the threat:

Caller's Information

Sex of caller: _____

Race (if known): _____

Age of caller: _____

Call duration: _____

Caller's Voice

(check all that apply)

| | |
|------------------------------------|--|
| <input type="checkbox"/> Calm | <input type="checkbox"/> Nasal |
| <input type="checkbox"/> Angry | <input type="checkbox"/> Stutter |
| <input type="checkbox"/> Excited | <input type="checkbox"/> Lisp |
| <input type="checkbox"/> Slow | <input type="checkbox"/> Raspy |
| <input type="checkbox"/> Rapid | <input type="checkbox"/> Deep |
| <input type="checkbox"/> Soft | <input type="checkbox"/> Ragged |
| <input type="checkbox"/> Loud | <input type="checkbox"/> Clearing throat |
| <input type="checkbox"/> Laughing | <input type="checkbox"/> Deep breathing |
| <input type="checkbox"/> Crying | <input type="checkbox"/> Cracked voice |
| <input type="checkbox"/> Normal | <input type="checkbox"/> Disgusted |
| <input type="checkbox"/> Distinct | <input type="checkbox"/> Accent |
| <input type="checkbox"/> Slurred | <input type="checkbox"/> Familiar |
| <input type="checkbox"/> Whispered | <input type="checkbox"/> Altered |

If voice is familiar, whom did it sound like?

If accented, what type of accent?

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Background Sounds

| | |
|--|---|
| <input type="checkbox"/> Street noises | <input type="checkbox"/> Factory noises |
| <input type="checkbox"/> Restaurant noises | <input type="checkbox"/> Animal noises |
| <input type="checkbox"/> Voices | <input type="checkbox"/> Clear |
| <input type="checkbox"/> PA System | <input type="checkbox"/> Static |
| <input type="checkbox"/> Music | <input type="checkbox"/> Local |
| <input type="checkbox"/> House noises | <input type="checkbox"/> Long distance |
| <input type="checkbox"/> Motor | <input type="checkbox"/> Phone booth |
| <input type="checkbox"/> Office machines | |

Other: _____

Threat Language

| |
|---|
| <input type="checkbox"/> Well spoken (educated) |
| <input type="checkbox"/> Incoherent |
| <input type="checkbox"/> Foul |
| <input type="checkbox"/> Taped |
| <input type="checkbox"/> Irrational |
| <input type="checkbox"/> Message read by threat maker |

**Report call immediately to your local
police agency:**

Phone number: () - _____

Your Name: _____

Your Telephone Number
() - _____

Additional Information:

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SECTION

- 8.1 Purpose
- 8.2 Nature and Scope
- 8.3 General Provisions
- 8.4 Individual Responsibilities
- 8.5 Forms Required
- 8.6 Defense Letter Request, Summons & Complaints
- 8.7 Supervisor / Management Responsibilities
- 8.8 Automobile Accident Coordinator Responsibilities
- 8.9 Accident Review Committee Makeup & Responsibilities
- Appendix A Sample Form - Illinois Motorist Report
- Appendix B Sample Representation Request Letter
- Appendix C Litigation Summons and Complaints

AP#8, DCFS MOTOR LIABILITY PLAN

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Section 8.1 Purpose

The purpose of this Administrative Procedure is to provide the basic information and actions required by the individual Department employee and the Department to meet the intent of Illinois Law and CMS requirements with respect to the State of Illinois Self-Insured Motor Vehicle Liability Plan [20 ILCS 405164.1].

Section 8.2 Motor Vehicle Liability Plan

The State of Illinois Self-Insured Motor Vehicle Liability Plan provides coverage to employees and authorized non-state employees of all agencies, boards and commissions, while operating a motor vehicle only in the **course of official business**.

The plan covers licensed vehicles that are state owned or leased and may also provide coverage on other furnished vehicles or private automobiles on authorized mileage reimbursement (as secondary insurer only). Other furnished vehicles or private automobiles are not granted coverage in every case but are evaluated on the purpose of the trip being performed.

Section 8.3 General Provisions

- a) The Motor Vehicle Liability Plan provides coverage for State owned or leased vehicles to employees and authorized non-State employees of all agencies, boards and commissions, not to exceed \$2,000,000 per occurrence for Bodily Injury liability and Property Damage liability, while operating a motor vehicle **only in the course of official business**.
- b) Employees are expected to carry State of Illinois mandatory minimum auto insurance. The State "Self-Insured" plan is secondary insurance for other than State owned automobiles

It pays only after the employee's private insurance is exhausted. While driving a State automobile coverage starts at dollar one.

- c) DCFS will appoint an Automobile Accident Coordinator who is responsible for reporting completely and promptly each motor accident incurred by a DCFS employee. Additionally, DCFS will have an Accident Review Committee to review and or adopt departmental policy, review "at fault" accidents and report findings of "at fault" to CMS.

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Section 8.4 Employee Responsibilities

Employees are required to report any accident (no matter how minor) that occurs with a State owned or leased vehicle or with their own or rented vehicle when used **in the course of official business** and to complete the following reporting requirements for any accident. In order to prevent forfeiting coverage, the following steps are to be followed:

- a) Report the accident on the forms described below to the Accident Coordinator within three days after the accident, via telefax to (217) 557-0635. Send hard copies to ensure legibility to:

DCFS Accident Coordinator
406 E Monroe Street - Station #474
Springfield, IL 62701

Receipt of the report can be verified by calling the Accident Coordinator at (217) 785-2588.

- b) In case of a major accident with which occurs after hours and which results in injuries or property damage, call CMS direct at 1(800) 442-1300 # 4. Contact your supervisor if you are seriously hurt and cannot submit the reports. The supervisor then becomes responsible for reporting the accident. This does **not** eliminate the need to submit reports to the Agency Accident Coordinator within three (3) days after the accident as described above.

Section 8.5 Required Reporting Forms and Information to Be Obtained

Required reports are as follows:

- a) **SR-1 or SR-1 A, Illinois Motorist Report**

The principle reporting form is the SR-1 or SR-1 A, Illinois Motorist Report form. Serious accidents may require additional accident or traffic investigation reports depending on which law enforcement agency has jurisdiction. Appendix A contains a copy of the SR1 A. NOTE: All accidents that occur in the course of official business must be reported.

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- 1) If the accident involves the employee's own car, the employee shall fill in all the data requested, including insurance data. If the accident involves a rental vehicle, rental contract information shall be included.
- 2) If it is a State owned or leased car (does not include rentals), the Owners Name will be "State of Illinois Department of Children and Family Services" or "Motor Pool". Insurance will be "State of Illinois Self-Insured Motor Vehicle Liability Plan". Proof of insurance is the State issued credit card.
- 3) Obtain the social security numbers and names, addresses and phone numbers of all passengers in your car and other cars involved, plus the names, addresses and phone numbers of any individuals who saw the accident.
- 4) As soon as employees are through with the police, they should write a detailed memo of what happened in their opinion and include sketches of the accident scene. The SR-i A has a lot of this information but in re-writing it, the employee may remember critical information not on the SR-i A. The seriousness of the accident will determine how much is written.
- 5) Employees shall obtain a memo from their supervisor stating that they were on Department business (include specifics) at the time of the accident. Add any information to the memo that will add clarity to the situation.
- 6) Obtain any other forms or documents that are applicable
- 7) Call the Accident Coordinator at (217) 785-2588 if there are any questions
- 8) If employees are injured, they shall also call Workers Compensation at 1-800-773-3221.
- 9) Employees should maintain copies of all documents.

NOTE: **SUBMIT WHAT YOU CAN OBTAIN AT THE SCENE (SR-1A) FOR AN INITIAL REPORT.** This meets the initial reporting requirement. Details can be updated at a later date.

b) Defense Letter Request Summons and Complaints

Appendix B is a sample Representation Request letter. When employees are served with any notice to appear document, they should request assistance from the State. Lists of State Attorney General's Office(s) to contact in case an employee is served with legal papers is at Appendix C. Originals of the notice will go to the Attorney General's office. Copies of the notice are to be sent to the DCFS Accident

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Coordinator at the address listed in Section 8.4, who will then forward them to Central Management Services.

Section 8.6 Supervisor/Management Responsibilities

In case of serious injury/death of an employee, supervisors are responsible for timely submission of all reports listed above.

Supervisors are responsible for ensuring that employees are knowledgeable of the requirements for reporting ALL accidents that occur in the course of official business. The importance of timely reporting must be stressed.

Section 8.7 Accident Coordinator's Responsibilities

The Accident Coordinator is responsible for coordinating DCFS staff and individual questions concerning any procedures or duties with CMS, Risk Management Division, Auto Liability Unit. A summary of the Coordinator's duties are as follows:

- a) Complete the uniform cover letter to be attached to each SR-1A form and any other additional information as required by the Auto Liability Unit. See form section for detail.
- b) Ensure all accident reports are received by CMS within seven calendar days after the date and time of the accident.
- c) Forward copies of Summons and Complaint documents to CMS. Act as a liaison to individuals to ensure copies are sent to appropriate offices of other State agencies.
- d) Act as a special staff person for the Department and assist employees in reporting and directing them to appropriate staff of other State agencies as required if they are involved in an accident.
- e) Serve as the chairperson of the Accident Review Committee.
- f) Advise and coordinate Accident Recovery procedures/Subrogation (Subrogation is the responsibility of the Department or agency that incurred the loss) Coordinate with the Deputy Director of Support Services on issues pertaining to subrogation

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- g) Sign off on all Accident Review Reports that are minor in nature when litigation is not imminent. Serious accidents will be staffed through the Labor Relations Unit and any other staff deemed necessary.
- h) Maintain records of all accidents in the department for at least five (5) years, unless litigation is in progress. If litigation is in process, keep the records as long as necessary.
- i) Ensure that Accident Review Committee reports are not released under the Freedom of Information Act.
- j) Inform DCFS management and individuals on appeals procedures.
- k) Coordinate with the DCFS Personnel Unit and the Labor Relations Unit when a person is determined to be an unacceptable risk based on grossly negligent behavior, willful or wanton misconduct or based on the determination that the employee is no longer an acceptable risk based on prior accidents in which the employee was at fault.

Section 8.8 Accident Review Committee

The Accident Review Committee shall consist of the Accident Coordinator and representatives from the Labor Relations Unit. The chairperson will be the Accident Coordinator. For serious case(s), Committee Members will consist of the Accident Review Coordinator, a representative from the Labor Relations Unit, plus any other appropriate staff as the situation warrants.

The committee will review all high risk cases and drivers that fall within CMS's definition of high risk per CMS's high risk program and keep the DCFS Deputy Director of Support Services informed of serious cases.

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SR 1A 200M (REV. 1/96) IL 494-0815

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AP#8(7)

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APPENDIX B

SAMPLE REPRESENTATION REQUEST LETTER

Date

Office of the Attorney General

Court of Claims or General Law Division (select the appropriate law division)

Street

City, IL, Zip

RE: State Driver:

Case Name.

Date of Accident:

Suit Number:

County

Dear Sirs:

On (date of accident), I was involved in an accident while operating a State owned, private, or leased vehicle in the course of my employment. As a result of this accident, suit number _____ has been filed against me.

It is requested that you represent me in the defense of this action, and I will cooperate fully at all times with any requests that you may have in regard to the defense of this suit.

Sincerely,

Employee's name

Department

Phone#

cc: DCFS Auto Accident Coordinator

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APPENDIX C

LITIGATION

SUMMONS AND COMPLAINTS

When a Summons and/or Complaint is received by any State employee or other authorized driver, resulting from an automobile accident as described in these procedures, the employee or other authorized driver shall provide the date, time and place of service of the Summons and Complaint, per paragraph 4.3 of the plan. The original should immediately be sent to the Attorney General's Office at one of the following appropriate locations, with a copy of both the cover letter and the Summons and Complaint submitted to Risk Management/Auto Liability.

For the following counties: Cook, Lake, McHenry, DuPage, Kane and Will:

CIRCUIT COURT COMPLAINTS

Office of the Attorney General
General Law Division
100 West Randolph Street, 13th Floor
Chicago, Illinois 60601

COURT OF CLAIMS COMPLAINTS

Office of the Attorney General
Court of Claims Division
100 West Randolph Street, 13th Floor
Chicago, Illinois 60601

For all counties not listed above:

CIRCUIT COURT COMPLAINTS

Office of the Attorney General
General Law Division

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500 South Second Street
Springfield, Illinois 62706

COURT OF CLAIMS COMPLAINTS

Office of the Attorney General
Court of Claims Division
500 South Second Street
Springfield, Illinois 62706

5.6 Traffic and Parking Regulations

Employees are expected to comply with traffic and parking regulations for their specific site, as established by DCFS Policy Guide 96.3 (attachment 5.6a).

Driver's Responsibilities

Employees of the Department who drive a state vehicle or use their personal vehicle for state business will be held responsible for upholding the following regulations:

1. Employees are responsible and will be held accountable for their driving performance and record at all times.
2. Employees must have a valid driver's license and must have this valid license in their possession at all times. Employees must provide a copy of their driver's license and proof of insurance upon request, in accordance with current practice.
3. Employees must comply with all traffic and speed limit laws while driving on Department time and/or conducting Department business.
4. Employees are required to wear seat (safety) belts and to insist that all passengers wear seat (safety) belts (and harness if available) and that all children are secured in child safety seats as required by law. Department management is to ensure that child safety seats are available in each DCFS office.
5. Employees must insure that no Department vehicle which they are driving is carrying more passengers than the vehicle is rated to carry.
6. Employees must be particularly aware of the added responsibility when transporting clients and exercise special care to safeguard the safety and welfare of all clients.
7. Employees are responsible for maintaining at least the minimum required amount of liability insurance when operating their own vehicle on state business in order to comply with the Illinois Motor Vehicle Code and with Rule No. 5.1 of the Vehicle Rules pertaining to insurance, published August 1, 1980.

5.6 Traffic and Parking Regulations (cont'd)

8. When transporting clients and/or any other individuals in the course of their normal duties and responsibilities, employees must ensure the safe operation of the vehicle in use. This means, if using a personal vehicle, it must be mechanically sound and maintained at a level that meets the applicable laws of the State of Illinois. Knowingly operating an unsafe vehicle for purposes noted above is a violation of DCFS driving regulations.
9. Employees must comply with state and Department reporting requirements when involved in a motor vehicle accident and cooperate with appropriate personnel in investigative and review procedures following an accident. Employees must ensure that every motor vehicle accident incurred while on state business is reported. This includes accidents incurred in a privately owned or rented vehicle used on state business.
10. Employee **shall not carry illegal drugs, alcohol or weapons** in a state-owned or personal vehicle nor operate any vehicle while under the influence of drugs or alcohol.
11. In the event an employee's driver's license is revoked/suspended, that employee must notify his/her supervisor immediately. The lack of a valid driver's license may jeopardize an employee's ability to perform his/her job as well as the Department's liability in the event of an accident.
12. Employees shall not transport any unauthorized individual(s) in a state vehicle nor use a state vehicle for personal use.

Failure to comply with any of the above driving regulations may result in the suspension of an employee's driving privileges and may further result in disciplinary action, up to and including discharge.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Distribution: B, D

POLICY GUIDE 96.3

EMPLOYEE PARKING AND TRAFFIC VIOLATIONS

DATE: February 15, 1996
TO: All Staff
FROM: Phil Gonet, Deputy Director, Program Support Services
EFFECTIVE: IMMEDIATELY

I. Purpose

The purpose of this Policy Guide is to advise staff of Department policy regarding parking tickets and tickets for traffic violations which are received by an employee while driving a State vehicle. This policy is applicable to State vehicles which are owned by the Department and to those which are rented or leased by the Department and/or the employee. (Any further reference to a "State vehicle" includes vehicles owned or leased by the Department.)

II. Primary Users

The primary users of this Policy Guide are all Department staff.

III. State Regulations

The issue of parking tickets and tickets for traffic violations received by state employees while driving a State vehicle has been previously addressed by State officials. The Attorney General determined that "the state is not subject to a fine for violation of a municipal parking ordinance or traffic violation, although the driver of a State vehicle is subject to prosecution". Statutory regulations give local officials the authority to regulate and enforce their ordinances, but the State itself is not subject to the laws of a local municipality. Since the State cannot be made a defendant or party in court, the individual driver of a State vehicle incurs the liability for cited violations.

UC

IV. Current Process

Since the Department has State owned vehicles in some Regions, the Administrator (or designee) must ensure that a **Vehicle Log Sheet** is maintained at each office where a Department owned vehicle is located. The purpose of the **Vehicle Log Sheet** (copy attached) is to keep a record of employees who use the car and includes the driver's name, date and time the car was taken out and returned. When there is a question regarding who received a parking ticket or a ticket for a traffic violation, the **Vehicle Log Sheet** will provide verification as to which employee a specific vehicle was assigned.

Whenever an employee receives a ticket for a parking or traffic violation while using a State vehicle, the assessed fine for that violation is the responsibility of the individual employee. When the assessed fine remains unpaid, the local municipality sends a notice regarding nonpayment to the Department of Central Management Services' (CMS) Division of Motor Vehicles. CMS responds in writing, to the city where the violation occurred and provides the city with the name of the State employee to whom the State vehicle was assigned at the time of the cited violation. If the vehicle is determined to be a Department owned vehicle, CMS provides the name of the Department Administrator in the Region where the car is located.

When CMS staff responds to city officials regarding an unpaid ticket by a DCFS employee, a letter is immediately sent to the Department's Vehicle Coordinator (Jackie Sullivan). She is provided the name of the DCFS employee to whom the vehicle was rented/leased (or the name/Region for DCFS owned vehicles) at the time of the ticket, the license number of the vehicle involved and the date of occurrence.

The DCFS Vehicle Coordinator will follow up with the individual employee to determine whether the assessed fine has been paid or with the Regional Administrator (or designee) to verify who was using a DCFS owned vehicle at the time of the ticket. The DCFS employee/responsible driver is asked to provide verification that the fine has been paid or to immediately pay the fine and send verification of payment.

V. New Policy

Effective immediately, any Department employee who has failed to pay an assessed fine for a parking violation or a traffic offense while driving a State vehicle will be sent a written notice requesting that payment be made immediately. When the employee fails to pay the assessed fine for the violation *within 30 calendar days from the date of notification*, the employee will be subject to disciplinary action and withholding of the unpaid amount from the employee's paycheck.

(This policy is applicable for incidents of parking tickets or traffic violations involving State vehicles, not personal vehicles.

Any questions regarding this Policy Guide are to be directed to the DCFS Vehicle Coordinator Jackie Sullivan at (217) 785-5005.

VI. Filing Instructions

Place this Policy Guide in your volume of Rules and Procedures immediately before Administrative Procedures #12, Travel Procedures.

Attached to this Policy Guide is a Vehicle Log Sheet which is to be used by employees in the Regions/Offices where Department owned vehicles are located. The Vehicle Log Sheet may be copied for use by local office staff.

Vehicle _____ License _____ Month _____ 19 _____ Equipment # _____

Vehicle _____ License _____ Month _____ 19 _____ Equipment # _____

[illegible]

5.7 Unusual Incident Report

As identified in Rule and Procedure 331, “unusual incidents” means an occurrence or event beyond the customary operations, routines or relationships in the Department, a child care facility or other entity that is licensed or regulated by the Department of Children and Family Services or that provides services for the Department pursuant to a grant, contract or purchase of service agreement. Unusual incidents may involve children and youth, employees, foster parents or relative caregivers. Unusual incidents may also involve damage to property, allegations of criminal activity, misconduct, physical harm to employees, or other occurrences affecting the operations of the Department or a child care facility. Any incident that could have media impact may be an unusual incident.

Events or occurrences that shall be reported to the Department as unusual incidents when they involve a child or youth for whom the Department is legally responsible include, but are not limited to:

- Physical abuse;
- Neglect;
- Emotional/verbal abuse;
- Sexual abuse;
- Death of youth in care
- Self-inflicted injury/wound requiring medical attention;
- Accidental injury/wound requiring medical attention;
- Injury during restraint;
- Youth in care refuses prescription medication;
- Medical emergency;
- Medication dispensing error;
- Psychiatric emergency;
- Medical hospitalization;
- Psychiatric hospitalization;
- Youth in care suspended/expelled from school;
- Youth in care arrested, charged with or convicted of crime;
- Youth in care put in restraint/confinement;
- Youth in care restrained/confined 5 or more times in a 30 day period;
- Youth in care on runaway or missing;
- Youth in care in possession of a weapon;
- Youth in care alcohol or drug abuse;
- Youth in care victim of assault;
- Sexual assault of a youth in care;
- Sexually aggressive behavior by youth in care;

5.7 Unusual Incident Report (cont'd)

- Sexually problematic behavior by youth in care;
- Identification of pregnant youth in care;
- Identification of parenting youth in care;
- Kidnapping or abduction of youth in care;
- Suicide attempt by youth in care;
- Suicide ideation/threat by youth in care;
- Property damage of \$50 or more.

Incidents or occurrences that shall be reported to the Department as unusual incidents when they involve the employees or facilities of the Department or a child care facility include; but are not limited to:

- Employee arrested, charged with or convicted of a crime;
- Threats made against staff or facility, regardless of source;
- Misrepresentation of services or costs of services provided;
- Falsification of credentials or records;
- Employee, other than law enforcement officer, has firearm on premises;
- Robbery or burglary occurred on premises;
- Hazardous/physical condition identified at facility;
- Serious incident resulting in legal action against facility; or
- Fire or natural disaster damaged facility.

In the event of an “unusual incident,” employees must file with their supervisor, or other appropriate management personnel, an Unusual Incident Report (attachment 5.7a).

Staff should become familiar with Rule and Procedure 331.

UNUSUAL INCIDENT REPORTING FORM

Instructions: All required (Required) information must be completed to process reports. Leave the UIR Incident Number blank on initial reports. This number is assigned to incidents upon data entry into the UIR System. Include this system-assigned UIR incident number on all related follow-up reports and dispositions.

DATE AND TIME OF INCIDENT (Required) ____/____/____ : ____:____ (military time)

Part 1. Persons and Facilities Involved in the Incident

Copy this page as necessary for each person involved in the incident. Separately register all wards residing in a foster or relative home when the incident involves a relative or foster home. See the bottom of this page for involvement codes. Register other witnesses, other sources of information or facility contacts in Part 3: Narrative of Incident.

| | |
|---|---|
| 1. Involvement Code*: (Required): _____ | 1. Involvement Code*: (Required): _____ |
| 2. Person Involved (Required) List each individual separately, e.g. make separate entries for each natural parent, or child in sibling group, or other involved party Name (required): Last _____ First _____ Birth Date: ____/____/____ Docket Number: _____ Case ID # (Required for open/closed cases): _____ | 2. Person Involved (Required) List each individual separately, e.g. make separate entries for each natural parent, or child in sibling group, or other involved party Name (required): Last _____ First _____ Birth Date: ____/____/____ Docket Number: _____ Case ID # (Required for open/closed cases): _____ |
| 3. Assigned Worker (Required when a worker or investigator is or has been assigned to the involved party). Provide current or most recently assigned worker or investigator Name: _____ ID #: _____ Agency: _____ Team: _____ | 3. Assigned Worker (Required when a worker or investigator is or has been assigned to the involved party). Provide current or most recently assigned worker or investigator Name: _____ ID #: _____ Agency: _____ Team: _____ |
| 4. Placement/Facility (Required). Provide provider ID whenever possible, and: • Name and address of current location if the involvement code is 'CO' (open child case); otherwise, • Provide name and address where the incident occurred, including licensing region if the involvement code is 'DL'. Provider: _____ Provider ID #: _____ Address: _____ Telephone: (____) _____ Living Arrangement**: _____ Supervising Agency: _____ Supervising Agency ID # _____ Licensing Region _____ | 4. Placement/Facility (Required). Provide provider ID whenever possible, and: • Name and address of current location if the involvement code is 'CO' (open child case); otherwise, • Provide name and address where the incident occurred, including licensing region if the involvement code is 'DL'. Provider: _____ Provider ID #: _____ Address: _____ Telephone: (____) _____ Living Arrangement**: _____ Supervising Agency: _____ Supervising Agency ID # _____ Licensing Region _____ |

*Involvement Codes (Required)

Codes for Parties Registered Above
 IN = Investigation (no service case)
 CO = Open child case
 CX = Closed child case
 FO = Open family case
 FX = Closed family case
 PL = POS (offices, facilities and staff)
 DL = DCFS foster homes
 ED = Employee, DCFS

Distribution
 Supervisor of investigative team
 Supervisor of assigned team
 Supervisor of last assigned team
 Supervisor of assigned team
 Supervisor of last assigned team
 Agency and Institutions Licensing
 Regional Licensing
 Advocacy Office

**Living Arrangement Codes

CUS = College/University
 DET = Detention
 FHB = DCFS Foster Home
 FHP = Private Foster Home
 FHS = Specialized Foster Home
 GRH = Group Home
 HHF = Hospital/Health Facility
 HMP = Home of Parent
 HMR = Home of Relative

IDC = DOC Institution
 ILO = Independent Living
 IMH = DHS Institution
 IPA = Private Institution
 NCF = Nursing Care Facility
 RNY = Runaway
 SGL = Subsidized Guardian Home
 SHL = Shelter
 OTH = Other/Unknown

UNUSUAL INCIDENT REPORTING FORM

Incident Occurred In: (Required - check one)

- ☐ A. Home of Parent ☐ D. Group Home ☐ G. Medical Hospital ☐ I. Residential Treatment Center Inside Illinois
☐ B. Home of Relative ☐ E. Institution ☐ H. Shelter ☐ J. Residential Treatment Center Outside Illinois
☐ C. Foster Home ☐ F. Psychiatric Hospital ☐ K. Other: (Describe) _____

Part 2. Type of Incident Checklist

Check All That Apply (Required)

| Death | Criminal Act | Other |
|---|---|---|
| <input type="checkbox"/> A01 Death, DCFS ward <input type="checkbox"/> A02 Death, former DCFS ward <input type="checkbox"/> A03 Death, non-DCFS ward Abuse and Neglect <input type="checkbox"/> B01 Sexual abuse of a ward <input type="checkbox"/> B02 Physical abuse of a ward <input type="checkbox"/> B03 Sexual assault of a ward <input type="checkbox"/> B04 Neglect of a ward <input type="checkbox"/> B05 Emotional /verbal abuse of a ward Sexually Aggressive Children and Youth <input type="checkbox"/> C01 Sexually aggressive behavior by a ward <input type="checkbox"/> C02 Sexually problematic behavior by a ward Injury <input type="checkbox"/> D01 Accidental injury/wound requiring medical attention <input type="checkbox"/> D02 Self inflicted injury/wound medical attention <input type="checkbox"/> D03 Ward injured during restraint Medical/Psychiatric <input type="checkbox"/> E01 Ward refuses medication <input type="checkbox"/> E02 Medication dispensing error <input type="checkbox"/> E03 Medical / Psychiatric Emergency Education <input type="checkbox"/> F01 Ward suspended from school <input type="checkbox"/> F02 Ward expelled from school Hospitalization <input type="checkbox"/> G01 Medical hospitalization <input type="checkbox"/> G02 Psychiatric hospitalization | <input type="checkbox"/> H01 Ward arrested, charged with or convicted of a crime <input type="checkbox"/> H02 Foster parent arrested, charged with or convicted of a crime <input type="checkbox"/> H03 DCFS/POS employee arrested, charged with or convicted of a crime Behavior Management <input type="checkbox"/> I01 Ward put in restraint <input type="checkbox"/> I02 Ward put in confinement <input type="checkbox"/> I03 Ward restrained/confined 5 or more times in 30 days Behavioral Issues <input type="checkbox"/> J01 Ward on runaway/missing <input type="checkbox"/> J02 Ward in possession of a weapon <input type="checkbox"/> J03 Ward displays physically aggressive behavior <input type="checkbox"/> J04 Property damage by ward of \$50 or more <input type="checkbox"/> J05 Suicide attempt by ward <input type="checkbox"/> J06 Suicide ideation/ threat by ward <input type="checkbox"/> J07 Suspected alcohol or substance abuse by a ward Facility/Caregiver <input type="checkbox"/> K01 Robbery/Burglary occurred on premises <input type="checkbox"/> K02 Fire / Natural Disaster damaged or affected facility/home <input type="checkbox"/> K03 Hazardous/Physical condition discovered at facility <input type="checkbox"/> K04 Serious incident resulting in legal action by/against child care facility | <input type="checkbox"/> L01 Kidnapping/abduction of a ward <input type="checkbox"/> L02 Identification of parenting ward or discovery of a ward's pregnancy <input type="checkbox"/> L03 Media involvement/media inquiry <input type="checkbox"/> L04 Ward victim of assault <input type="checkbox"/> L05 Threats made against DCFS / POS staff or facility and including bomb threats, firearms or riot/ mob action etc <input type="checkbox"/> L06 Ward involved in an accident <input type="checkbox"/> L07 Falsification of credentials or records <input type="checkbox"/> L08 Misrepresentation of services or cost of services provided <input type="checkbox"/> L09 Violation of a court order <input type="checkbox"/> L10 Report against DCFS or POS worker involving a ward <input type="checkbox"/> L11 Employee, other than law enforcement officer, has firearm on premises <input type="checkbox"/> L12 Bribery or attempted bribery of a DCFS employee |

UNUSUAL INCIDENT REPORTING FORM

Part 3. Narrative of Incident

Provide summary of incident. Copy this page and attach as necessary. Be sure to include:

- The names, telephone numbers and addresses of witnesses, facility contact (if necessary) and sources of information, etc. not previously captured in Part 1: Persons and Facilities Involved in the Incident;
- Description of incident (*provide who, what, and, where of incident*);
- Detail when using items C, G, I and J from the **Immediate Actions Taken Checklist** below; and,
- Summary of follow-up plan for incident.

Always provide the police report number and the date and time of the report if the police are involved. *Runaway/ Missing and Kidnapping/Abduction UIR's must always include this information.*

Summary of Incident (Required)

Immediate Actions Taken Checklist

Check All That Apply:

| | |
|---|---|
| <input type="checkbox"/> A. Ward examined or treated by medical staff <input type="checkbox"/> B. SACY evaluation/protective plan implemented <input type="checkbox"/> C. Program-level safety interventions (describe above) <input type="checkbox"/> D. Emergency placement <input type="checkbox"/> E. CERAP conducted <input type="checkbox"/> F. Special 1:1 staffing <input type="checkbox"/> G. Other (describe above) | <input type="checkbox"/> H. Ward clinically evaluated by a mental health professional <input type="checkbox"/> I. Treatment plan reviewed/modified (describe above) <input type="checkbox"/> J. Program staffing levels adjusted (describe above) <input type="checkbox"/> K. Consultation/technical assistance requested from DCFS <input type="checkbox"/> L. Parents/relative/legal guardians notified <input type="checkbox"/> M. SCR Hotline called on: SCR Date <u> </u> / <u> </u> / <u> </u> SCR Number <u> </u> |
|---|---|

Note: make additional copies of this page and attach as needed.

UNUSUAL INCIDENT REPORTING FORM**Part 4. Reporter of Incident**

Employee Reporting Incident: (Required) _____ Case Manager ID # of Reporter: _____

Title of Reporter: (Required) _____ Telephone # of Reporter: (____) _____

Facility of Reporter: _____ Date Report Completed: (Required) ____/____/____

Date UIR Received From POS Provider: ____/____/____

Part 5. For Private Agency/Facility UIR Processing

Date UIR Mailed/Faxed to DCFS: ____/____/____

Date UIR Telephoned to DCFS: ____/____/____ Telephone Number Used: (____) _____

Name of DCFS Staff Contacted: _____

Title of DCFS Staff Contacted: _____

DEFINITIONS / TERMS / ABBREVIATIONS

Administrative Law Judge (ALJ) - DCFS employed or contracted lawyer who hears service appeals, license appeals and child abuse and neglect appeals, then provides a recommendation to the Director.

AFSCME - American Federation of State, County and Municipal Employees. This abbreviation is synonymous with "the union" for nearly all DCFS-represented employees. The Illinois Nurses Association (INA) is an exception.

Agreement - A term referencing a written document which defines how the parties will conduct business on certain subjects.

Back Wage Claim - Employees who do not receive salary adjustments, merit compensation increases, overtime payments, temporary assignment pay, etc., within the current fiscal year may have to file a back wage claim through the Department of Central Management Services.

Bargaining Unit - This is another term for AFSCME or INA. It is the union organization representing a particular group of employees.

B.H. Consent Decree (or "B.H.") - Federal court order entered with DCFS; an agreement that settled a lawsuit and governs almost every aspect of DCFS services.

Burgos Consent Decree – This requires DCFS to provide appropriate social services to Spanish speaking or Hispanic clients. The many requirements of Burgos are interspersed throughout DCFS rules and procedures.

CANTS: Child Abuse and Neglect Tracking System - DCFS computer system in which records of child abuse and neglect investigations are kept.

Certified Status - Probationary employees attain certified status only after successfully completing the appropriate probationary period. Notice of certification is sent to employees by the Director of Central Management Services. Details are found in Personnel Rules, Section 302.310.

Compensatory Time Off (i.e., comp time) - Time off allowed an employee in lieu of overtime pay, at either a straight-time rate or a time-and-one-half rate, for hours worked in excess of those regularly scheduled.

Confidentiality - DCFS employees are required by various laws to safeguard client information. Rule and Procedure 431 details an employee's specific obligations about releasing confidential information. Any questions regarding this important issue should be directed to the employee's supervisor or administrator.

Additionally, any informational requests from the media require administrative consultation and may require an "Unusual Incident Report" (see DCFS Rule and Procedure 331).

Continuous Service Date - Date reflecting the uninterrupted period of service from the date of an employee's original appointment to state service.

Contract or Master Agreement - Terms used to reference the main union-management agreement for all agencies within the State of Illinois. This Agreement is between AFSCME and Central Management Services.

Creditable Service Date - Date reflecting all service in full-time or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last salary increase which was at least equivalent to a full step.

Deferred Compensation - The Deferred Compensation plan is a supplemental retirement savings program that offers several investment options and is administered by the Department of Central Management Services. Investments are made with voluntary salary deferrals which reduce an employee's taxable income. In addition, the earnings on those deferrals will compound free of current taxes until the time of distribution, at which time only federal tax is paid. Deferred Compensation deferrals and earnings are completely exempt from state income tax even at the time of distribution. For prospectus and enrollment information, contact the Payroll Office or the Chicago Personnel Office.

Detail – A detail is a temporary transfer of an employee to a work assignment within his/her position classification geographically removed from the employee's normal work site. The time frames allowed are identified and addressed in the appropriate bargaining agreement.

Discharge - Dismissal of an employee for violating Department policies, incompetence, or some other reason which constitutes just cause.

Discipline - The action imposed by a supervisor on an employee for infraction of rules and/or regulations. This normally includes reprimands and suspensions. The purpose of discipline is to correct the behavior to prevent its occurrence in the future.

Docking - Deducting of pay from an employee's wages for a period of time when the employee was not at work and the absence was without authorization. Docking may be a result of tardiness, absenteeism or disciplinary suspensions.

Grievances - The grievance procedure is a means to resolve employee dissatisfaction with circumstances or conditions of employment. Employees can discuss such problems with their immediate supervisor and, if not resolved, may follow established grievance procedures, seeking resolution from higher levels as detailed in Personnel Rules, Section 303.10, and the applicable bargaining unit contract. The grievance process is designed to permit resolution of the complaint at any step along the way; that is, if at any point the employee and management can agree, the process ends.

INA - Illinois Nurses Association - The bargaining unit which represents nurses working for DCFS.

Indicated Finding - In child abuse and neglect investigations, an indicated finding is a DCFS decision that credible evidence exists to support an allegation of child abuse or neglect.

Job Descriptions/Classifications - Job descriptions are maintained by the personnel liaison in each region or division. Employees can obtain a copy of their specific duties by requesting it from their immediate supervisor.

Job Title - The Department of Central Management Services classifies jobs in terms of the type of work assigned, the difficulty of the tasks performed, and the amount of responsibility assigned to the position. Qualifications for all classifications are determined by professional technical standards. Each supervisor has or can obtain a copy of his/her subordinates' position descriptions outlining the duties and responsibilities assigned to the positions. An employee may see his/her job description at any time.

Non-bargaining unit employees desiring a review of their assigned classification may make a written request, in accordance with Personnel Rules 301-20, to the Director of the Department of Central Management Services.

Labor Contract / Bargaining Units - Most new employees of the Department are hired into job titles within a bargaining unit represented by an employee labor organization (bargaining agent). Each bargaining unit has a contractual agreement with the State of Illinois establishing special rules and regulations which may be unique to that bargaining unit. New employees should receive a copy of the contract within two weeks of beginning work. If an employee does not receive such a contract, he/she should ask the supervisor or local bargaining unit representative for a copy.

LAN - A Local Area Network (LAN) is a geographic area that provides a platform for the collaborative planning of human services for children and their families.

Layoff - Procedures for layoff of management staff are detailed in Subpart J, Sections 302.500-302.580, of the Personnel Rules. AFSCME-represented staff can find regulations regarding layoff in Article XX of the Master Agreement (and in the "work location" definition in the Supplemental Agreement).

Personnel Code - This is the law that provides the basis for the civil service merit system in Illinois. It embraces all positions of employment in the service of the state unless specifically excluded by legislation. It empowers the Director of Central Management Services to promulgate Rules and carry out this law, and creates the Civil Service Commission to monitor its proper administration and to conduct hearings.

Personnel Rules - These are the rules developed by Central Management Services to carry out the laws of the Personnel Code. These rules delineate the methods by which employee-related issues or problems are to be addressed.

Policy - Rules and/or regulations as defined by management, usually developed and implemented by the Director of the department.

Probationary Status - A Probationary period of six (6) months must be served by new employees hired by the Department. Current employees who accept a promotion serve a four-month probationary period in the new title.

Record Changes - Employees are responsible for keeping their personnel record current by notifying their personnel liaison of changes in name, address, number of dependents, telephone numbers, emergency contacts and other important information related to their status. Personnel liaisons are located within the regional offices.

Reinstatement - Reinstatement is the appointment of former certified employees who resigned or were laid off while in good standing. The Director can reinstate a former certified employee to a position in her/his previously held classification or to an equivalent or lower position in a related classification series. Reinstated employees are required to serve a six-month probationary period.

If employees are discharged from state service, they cannot be reinstated in the same department in the same title, nor can they be reinstated in any department in a title for which certified status was held. A previously discharged employee may return to permanent state service only through appointment from an eligible list.

Resignation - Employees who resign should advise their supervisor in writing and the personnel liaison at least fifteen (15) calendar days before leaving. All required documentation must be received in the office of the personnel liaison and cannot be accepted without the employee's full written signature. This notification is important in order that the employee's personnel record reflects resignation in good standing, a

status which is important if return to state employment is desired at a later date. Employees must turn in their keys, identification and other state-owned property before departure.

Employees who terminate state service can convert the state-paid group health and/or life insurance into individual policies for themselves and/or any eligible dependents. For additional information, contact the Payroll Office in Springfield.

Rules and Procedures - Rules and procedures are generally developed from laws or policies as a means of implementing the requirements contained in the law or administrative policy. DCFS has rules and procedures which are expected to be followed.

Rutan - The United States Supreme Court has held that hiring, promotions, transfer and recall decisions cannot be made on the basis of party affiliation and support. The State of Illinois and the Department of Children and Family Services are committed to full compliance with the Court's decision and have developed policies and procedures to help ensure that all decisions are based on criteria other than party affiliation. Any questions on the Rutan decision can be directed to the personnel liaison or the Office of Employee Support.

Seniority - An employee's status in relation to other employees according to his/her years of employment, (continuous or non-continuous). Employees with the greatest seniority are usually the last to be laid off and are given preference for promotion.

Stand-by Pay - Compensation for employees who are required to keep the employer informed of their whereabouts during off-duty hours and who must be available for possible recall to work during a period when the employee is not ordinarily scheduled to work.

State Service Job Interviews - Employees scheduled for state service job interviews can be allowed reasonable time for such interviews. Employees requested by DCFS to report for a job interview can be reimbursed for travel expenses. Excused time for interviews must be verifiable by a document scheduling the interview and/or by supervisory inquiry. Excused time off is not allowed for "job shopping."

Supplemental Agreement - Any negotiated bargaining agreement between a union and DCFS that is separate from the Master Contract. Supplemental agreements have the same impact as a Master Contract but are used to address issues that are germane only to the Department.

Temporary Assignment (or T.A.) - Employees who perform duties and/or responsibilities of another position classification. Employees are compensated temporary assignment pay if they perform, and are held accountable for, duties of a higher classification, unless those duties are identified within the employee's job description. Temporary assignments are designated by supervisors. The time frames allowed are identified and addressed in the appropriate bargaining agreement.

Unfounded Finding - In child abuse and neglect investigations, an unfounded finding is a DCFS decision that credible evidence does not exist to support an allegation of child abuse or neglect.